

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION
CASE NO. 24-cr-80116-AMC-1

UNITED STATES OF AMERICA, Fort Pierce, Florida

Plaintiff, September 2, 2025

vs. 11:07 a.m. - 2:56 p.m.

RYAN WESLEY ROUTH,

Defendant. Pages 1 to 123

TRANSCRIPT OF CALENDAR CALL
BEFORE THE HONORABLE AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

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Honorable Aileen M. Cannon
United States District Court
Fort Pierce, Florida

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NONE

1 (Call to the Order of the Court.)

2 THE COURT: All right. Good morning. You may all be
3 seated unless you are addressing the Court.

4 COURTROOM DEPUTY: Calling case United States of
5 America v. Ryan Wesley Routh, Case Number 24-cr-80116-Cannon.

6 Counsel, please state your appearances for the record,
7 starting with the United States.

8 MR. SHIPLEY: Thank you. Good morning, Your Honor.
9 John Shipley for the United States, along with
10 Christopher Browne, Maria Medetis Long, and Jim Donnelly.

11 THE COURT: Good morning to all of you.
12 Good morning, Mr. Routh.

13 MR. ROUTH: Ryan Routh for the defense.

14 THE COURT: All right. Mr. Routh, I want to make sure
15 I can hear you. So please move that --

16 MR. ROUTH: Okay. Can you hear me now?

17 THE COURT: Yes. Thank you.

18 MR. ROUTH: okay. All right.

19 THE COURT: okay. Ms. Militello and Ms. Sihvola,
20 please make your appearances as standby counsel.

21 MS. MILITELLO: Good morning, Your Honor.
22 Kristy Militello and Renee Sihvola as standby counsel for
23 Mr. Routh.

24 THE COURT: All right. Good morning to both of you.
25 okay. This is a calendar call for trial commencing

1 this upcoming Monday, September 8th. We were last in session
2 together on August 8th for a pretrial conference, at which time
3 the defendant filed a series of additional motions. All of
4 those motions have since been responded to by the United States
5 on an expedited basis and resolved by the Court through a
6 series of orders.

7 These include an order denying in part and granting in
8 part the defendant's motion to subpoena witnesses, with an
9 accompanying supplement under seal which will be provided to
10 the United States today, an order denying the defendant's
11 motion to compel defense doctor expert witnesses; this is
12 docket entry 249, and there is a related order at 248.
13 Additionally, there was an order on the defendant's
14 miscellaneous motion; this was issued yesterday at
15 docket entry 256.

16 There was also a series of other items, including an
17 order on anonymization of jury impartial sequestration. This
18 was consistent with the discussion at the last hearing, and
19 that is order 233.

20 To continue, there is an order directing additional
21 printer access at 238; an order granting the government's
22 motion for leave to bring physical evidence into the courtroom
23 at 248; an order following the pretrial conference and
24 anticipating today's calendar call at 240. That order
25 attempted to lay out some general markers for today's hearing.

1 we also have an order granting in part and denying in
2 part the government's motion in limine; that's at
3 docket entry 252. And then an additional set of miscellaneous
4 items, including an order resolving the defendant's motion for
5 office supplies and other items, plus an order resolving
6 standby counsels' request for accommodations.

7 Then today, prior to this hearing, and in compliance
8 with the Court's orders, the government did go ahead and file
9 its exhibit and witness lists at docket entry 257 and 258. We
10 will cover those at least in part today. And those are now
11 publicly available.

12 So we have covered significant ground since our last
13 hearing, with trial, of course, set to begin promptly this
14 upcoming Monday.

15 On that point, Mr. Routh, I do want to remind you and
16 the government to review and be familiar with the Court's order
17 on jury selection procedures. This was issued on July 12th,
18 and that goes through the step-by-step procedure to be used for
19 jury selection, which ultimately contemplates completion of
20 jury selection on September 10th -- that is Wednesday -- with
21 opening statements starting on the morning of Thursday,
22 September 11th, and then flowing directly into witness
23 testimony. So that's -- that's the overview since our last
24 hearing.

25 Let me start off today with the government. Do you

1 have any questions or comments just about the timing of trial
2 or the timing of jury selection?

3 MR. SHIPLEY: No, Your Honor. We're all set.

4 THE COURT: Okay. Mr. Routh.

5 MR. ROUTH: No, Your Honor.

6 THE COURT: Okay. All right.

7 Now, let's shift to just the length of trial. There
8 has been, you know, attempts to quantify and project. Does the
9 United States have a current, more firm understanding of length
10 of trial?

11 MR. SHIPLEY: Your Honor, I think our prior expectation
12 remains correct. We may even be a slightly faster pace than we
13 anticipated. Obviously, that is dependent upon a lot of
14 unexpected variables that may be associated with the pro se
15 defendant. But we're certainly on track.

16 We're not on track to go longer to the extent we're
17 able to manage what our witnesses are, and, again, I'm hoping
18 that we actually will be able to pick up a day or two in the
19 process.

20 THE COURT: Okay. All right. So you're still looking
21 at, overall, a completion by the end of that third week, if I'm
22 not mistaken?

23 MR. SHIPLEY: That's correct, Judge, that would be
24 the -- we'll start openings on the 11 -- 12, 19 -- 26th.

25 THE COURT: Okay. All right.

1 Mr. Routh, do you have any comments or questions about
2 just the overall length of trial in terms of starting, of
3 course, as we will this upcoming 8th, projecting to be
4 completed the week of September 29th, no later, as I see
5 things, than October 3rd, which is a Friday?

6 MR. ROUTH: That sounds reasonable.

7 THE COURT: Okay. All right, then.

8 Okay. Then let's discuss jury selection in a bit more
9 detail. As a reminder, Mr. Routh -- and we already covered
10 this, but there will be no reference in open court to the names
11 or to the personal identifying information of any prospective
12 or chosen jurors. Do you understand, sir?

13 MR. ROUTH: Most certainly.

14 THE COURT: Okay. So there will be a jury
15 questionnaire. That is an outstanding item that I will cover
16 in just a moment. But to be clear, those completed juror
17 questionnaires will be provided to you so you can review them,
18 but they will then be retrieved by the Court at the end of each
19 court day. Do you understand?

20 MR. ROUTH: Certainly. That is perfectly fine.

21 THE COURT: Okay. All right. Again, we are going to
22 be summoning a total of 180 jurors with three groups of 60 as
23 laid out in that prior order.

24 So on the subject of the jury questionnaire, that is
25 still an outstanding item. I recognize that it will be

1 disseminated to the parties no later than this Thursday. So
2 please plan on that.

3 Ms. Militello or Ms. Sihvola, to ensure that Mr. Routh
4 gets a copy of this blank questionnaire, I'm going to direct
5 standby counsel to transmit it to him for receipt no later than
6 Friday, either in -- in physical form by delivering it to him
7 at his location, or other means. But he does need to get that
8 one way or the other no later than this Friday.

9 Any concerns with that, Ms. Militello?

10 MS. MILITELLO: May I have just one minute?

11 THE COURT: Yes.

12 (Inaudible discussion amongst counsel.)

13 THE COURT: All right.

14 MS. MILITELLO: We're -- we're not exactly sure where
15 Mr. Routh will be housed on Friday.

16 THE COURT: St. Lucie County Jail.

17 MS. MILITELLO: Okay. And as long as he is there, I
18 believe they will let us make a copy at their facility.

19 THE COURT: You will have to figure this out. But what
20 I'm directing and ordering is that he get a physical copy of
21 the juror questionnaire. This doesn't seem like a difficult
22 task. If there is a particular problem that you encounter,
23 file a motion on Thursday. But the directive, I think, is
24 clear as can be at this point.

25 All right. Okay. Let's discuss now just voir dire.

1 To remind Mr. Routh, of course, there will be no
2 attorney or party conducting voir dire in this case. But I
3 will give you and the government each an opportunity at
4 appropriate points in jury selection to offer any suggested
5 additional questions. Do you understand, sir?

6 MR. ROUTH: So additional questions to the jurors? Or
7 we present those to you and you present them to the jurors?

8 THE COURT: The latter.

9 So at least once per session, I'll give each side an
10 opportunity to recommend any additional questions, and I'll
11 consider those and determine whether to ask those additional
12 questions. Do you understand?

13 MR. ROUTH: Certainly. Is that per individual or for
14 the entire group?

15 THE COURT: It could cover a specific prospective
16 juror, in other words, something that you think needs to be
17 covered more specifically for a particular person, or it could
18 be a broader topic.

19 MR. ROUTH: Okay.

20 THE COURT: I'm not going to limit that right now. All
21 I'm saying is that I will be conducting all of the voir dire.

22 MR. ROUTH: Okay.

23 THE COURT: I will take consideration, of course, all
24 the questions that have been proposed to me, and then I will
25 give each side, during the course of jury selection, at least

1 some opportunity to propose additional follow-up questions. Do
2 you understand?

3 MR. ROUTH: Certainly do. Thank you.

4 THE COURT: Okay. All right.

5 All right. Anything from the United States with
6 respect to jury selection?

7 MR. SHIPLEY: No, Your Honor. Sounds fine.

8 THE COURT: Okay. All right. Now, I have had an
9 opportunity to review, at least partially, the proposed jury
10 instructions in this case. There will be a substantive charge
11 conference to take place, at least an initial one, I anticipate
12 maybe the second week of trial. But for purposes of my overall
13 preparation and the parties' planning, I did want to ask
14 Mr. Routh, have you had a chance, sir, to review the
15 government's proposed jury instructions?

16 MR. ROUTH: Yes.

17 THE COURT: Okay. And I know you offered a defense
18 additional modification; is that correct?

19 MR. ROUTH: Yes, I did, yes.

20 THE COURT: Okay. Okay. So just getting into more
21 substance on this point. I did notice in looking at your
22 proposal and then weighing that against the government's
23 submission -- Mr. Shipley or whoever is knowledgeable about
24 this, can you maybe touch upon the formation of the
25 government's proposal for the pattern instruction on the -- on

1 Count 1?

2 I understand there is no pattern for that specific
3 charge and that it was assembled using the statutory text and
4 the standard attempt instruction. My question ultimately is
5 whether there is a basis to use the pattern instruction for the
6 1113 offense.

7 MR. SHIPLEY: Your Honor, I don't have my jury
8 instruction notes in front me, so I will work best from my
9 memory.

10 I don't believe there is. What we tried to do, as set
11 forth in the long annotation there, was really track the
12 statute in terms of the basic elements and then the pattern
13 Eleventh Circuit instruction on attempt, and sort of make it as
14 simple as can be.

15 THE COURT: So as far as his proposal, which, as far as
16 I can tell, seeks to maybe more particularly map the intent
17 element onto the substantial step prong, what are your views on
18 that, or have you formulated them?

19 MR. SHIPLEY: I don't -- I think our position is,
20 Judge, that language is unnecessary. It's subsumed in the
21 language that is already part of the pattern instruction.

22 The other source material that we provided to the Court
23 was from, really, the one other case that we've been able to
24 identify, where a -- an assassination attempt went to trial.

25 THE COURT: But that wasn't a 351 charge, was it?

1 MR. SHIPLEY: It was not because it was President
2 Clinton rather than candidate. But the statute is -- it's the
3 same language. It's just there is a separate provision dealing
4 with a president as opposed to our statute, which covers other
5 public federal officials as well as major presidential
6 candidates.

7 So that's the closest we have been able to find. And
8 there is some language in there that we think would be helpful
9 to this jury in trying to understand what a substantial step
10 would be.

11 So we think his language is both sourced incorrectly
12 because it doesn't track the elements or what would be the
13 Eleventh Circuit pattern, and at best is duplicative of
14 language that will already be in there.

15 THE COURT: Okay. Mr. Routh, can you shed some light
16 on, you know, how you came up with that proposal and where it
17 comes from?

18 MR. ROUTH: Yeah. It's -- it's from the
19 Eleventh Circuit standard pattern. I mean, this is the
20 standard template that is used. So, I mean, we have not
21 deviated from anything. They just simply omitted that from
22 their standard templates when they put it forth. So, I mean,
23 I'm using 074, which is just the standard Eleventh Circuit
24 template, you know. And it plainly states, you know, that,
25 you know, certainly you can kill somebody and not have intent,

1 but you cannot, you know -- not have intent and try to -- and
2 attempt to kill someone. So, you know, I mean, it's --

3 THE COURT: I think one of the challenges here is that
4 there is no actual pattern for the particular statute in
5 Count 1. I think you're drawing from the pattern instruction
6 for Section 1113. The government is using the standard attempt
7 instruction with the statutory text, and I haven't been
8 presented with a pattern for this particular Count 1 charge.
9 It may not even exist in any circuit. So we're not going to
10 make any decisions on this issue. But I do -- I will direct
11 the parties to -- to be prepared to discuss this particular
12 issue so that we can arrive at the best final language for the
13 elements on Count 1.

14 Let's see here. One other item just instructionally,
15 Mr. Shipley. I noticed in the pattern for 1113 -- and correct
16 me if I'm wrong, but there is a requirement that the jury agree
17 on the particular substantial step. That, I did not see in
18 your submission, and I just wanted to know why, if you're
19 prepared to answer that now.

20 MR. SHIPLEY: Sure. I can give the Court a brief
21 summary on that.

22 That language, actually, we've dug into that because it
23 doesn't appear in the standard attempt language. I think,
24 candidly, as it appears in the attempted murder statute is
25 mistaken. I don't believe there is any case law anywhere

1 requiring the jury to agree on a specific substantial step in
2 the format that would be required, for example, with a directed
3 verdict. I think that language is saying the jury must agree
4 that there was a substantial step. And similar to discussions
5 in the case law about the difference between means and
6 elements, the jury would not have to agree on what the
7 substantial step was, but they have to agree -- everybody has
8 to agree that there was one.

9 So we've looked at that, and obviously, I think we put
10 a little bit of case law in the submission we gave, but happy
11 to address that further to Your Honor.

12 So I think that language -- it doesn't appear in the
13 attempt. And to the extent it appears in the attempted murder
14 pattern, to the extent it's read to say you have to have a
15 directed verdict listing out every substantial step, I think
16 that is mistaken and not consistent with Eleventh Circuit case
17 law. But happy to address that in whatever way that would be
18 beneficial to the Court.

19 THE COURT: Okay. Thank you.

20 I may consider requiring a brief supplemental filing to
21 this end, but I'm not certain that's necessary. At the very
22 least, though, the parties should be prepared to address these
23 issues in substance for our charge conference. I suspect we
24 will have at least an initial one on the second week of trial,
25 and then plan for a final one as we get closer to the end.

1 Any questions so far on jury instructions, Mr. Routh?

2 MR. ROUTH: No, Your Honor.

3 THE COURT: Mr. Shipley.

4 MR. SHIPLEY: On the other topic, Your Honor, which we
5 can address next week or at the Court's convenience, we did ask
6 the Court to consider several instructions on the front end
7 regarding the defendant's pro se status. First Amendment --
8 and I know I had one other one as well. It's on the cover page
9 of our jury instructions. Happy to address those next week or
10 whenever is the Court's pleasure --

11 THE COURT: Let's address those now, please.

12 MR. SHIPLEY: Sure.

13 And punishment. So they were punishment, which I know
14 the Court has issued a ruling on, but we think that's
15 imperative at the front end. It's not actually part of the
16 ordinary preliminary instructions. We thought it was, but it
17 is not. So we would ask that that be included. A pro se
18 instruction. Again, courts have come at it differently. If
19 the Court has an approach to this, we will obviously defer to
20 you. But in other pro se trials, generally the Court has
21 instructed the jury along the lines of what we have included in
22 our package, which is simply to identify the defendant is
23 pro se, he has chosen to do that, that's his right to do that,
24 it should not affect your deliberations in any way. And you
25 can mention that he has standby counsel as well.

1 And so that would be --

2 THE COURT: Okay. So you have -- you have the no
3 reference to punishment; you have the self-representation.
4 was there a third?

5 MR. SHIPLEY: The third one related to the First
6 Amendment instruction. And, again, we've included that
7 language in the pattern. This is really in anticipation of the
8 issues that were certainly front and center when counsel were
9 involved in the case, and we were discussing these issues about
10 what, particularly, an opening statement is going to be.

11 Some of these topics -- if we allow argument or
12 Mr. Routh's version of argument relating to potential
13 First Amendment freedoms, that is really going to send the jury
14 off track from the very start.

15 I have had at least one trial -- Judge Altonaga gave
16 that instruction in a similar matter involving a pro se
17 defendant. This was a case involving individuals who had sold
18 a -- a COVID cure that was bleach and had made clear through
19 pretrial proceedings that they wanted to talk about this as
20 their right of both political expression and religious
21 expression. And Judge Altonaga agreed to give an instruction
22 on the first and -- on the front end of trial about the First
23 Amendment.

24 It would be the same language that the Court could then
25 include at the end. It's simply saying that everybody has

1 First Amendment rights, but there is no First Amendment defense
2 to the criminal conduct charged in the case. So that's the
3 language we've included in the pattern. Those are the three we
4 would ask the Court to consider on the front end.

5 THE COURT: Okay. Mr. Routh, do you have there, for
6 your access, the government's proposed jury instructions? This
7 is docket entry 215.

8 MR. ROUTH: I do not have access, no.

9 THE COURT: well, all of the court filings have been
10 given to you. So perhaps I misspoke with the word "access."
11 Right now in front of you, do you have a copy of
12 docket entry 215?

13 MR. ROUTH: No, I do not.

14 THE COURT: Okay. Are you familiar with the proposed
15 instructions that Mr. Shipley is referencing?

16 MR. ROUTH: Vaguely.

17 THE COURT: All right. It's going to be incumbent upon
18 you to know these filings well enough. I'm going to give you
19 an opportunity to chime in and offer any thoughts. If you are
20 ill-prepared or don't have a view, then I'm going to make my
21 ruling with or without your position. Do you understand?

22 MR. ROUTH: Certainly. The first two items, I don't
23 have a problem with.

24 The third item, you know, First Amendment is First
25 Amendment. I mean -- so, I mean, certainly we can have

1 some -- some general boundaries. But what -- the first two
2 items is regarding penalties, and that's -- that's not an
3 issue.

4 THE COURT: Okay. So I'm going to read out loud the
5 proposed First Amendment permissible use of evidence. So
6 listen carefully, please, and let me know at this point if you
7 have any issues with this. And what's being proposed is that I
8 issue this to the jury as part of the preliminary jury
9 instructions right after they are sworn as the jury in this
10 case.

11 So this is what it says: "The First Amendment to the
12 United States Constitution establishes certain rights which
13 benefit everyone. The First Amendment provides in part that
14 Congress shall make no law abridging the freedom of speech. A
15 person is free to express any point of view, but the
16 First Amendment does not protect the kind of criminal activity
17 charged in this case. So having instructed you concerning the
18 rights of the defendant pursuant to the First Amendment, I also
19 instruct you that the First Amendment is not a defense to the
20 crimes charged in this indictment. If the government proves
21 all of the elements of those crimes beyond a reasonable doubt,
22 you must return a verdict of guilty regardless of whether the
23 defendant's conduct had some connection to a claim of free
24 speech.

25 "I instruct you as well, that in deciding whether the

1 government has met its burden, you may consider the defendant's
2 statements as -- excuse me -- statements admitted as evidence
3 during the trial and give them whatever weight you decide."

4 Do you have an objection to that language?

5 MR. ROUTH: No, I do not have an objection. That's
6 all -- all logical.

7 THE COURT: Okay.

8 MR. ROUTH: Certainly.

9 THE COURT: All right. Well, we've cleared that up.

10 So I will grant the government's request to add those
11 to the preliminary instructions.

12 Anything further on the preliminary instructions?

13 MR. SHIPLEY: No, Your Honor. Thank you.

14 THE COURT: Okay. As I indicated in a prior order, we
15 run from 8:30 to 5:30 roughly, with the jury starting at 9:00
16 in the morning or as close to 9:00 as we can. That means that
17 we, each day, barring something unusual, will have a morning
18 session with just the attorneys, of course Mr. Routh in his
19 pro se status, to address any substantive issues. I say all of
20 this because I don't want to have last-minute substantive
21 issues that derail the frequency and course of trial.

22 So, Mr. Routh, if you have substantive issues to
23 raise -- and this goes for the government as well -- you should
24 be prepared to address those in the morning session or outside
25 the presence of the jury more generally but not in the presence

1 of the jury or in a way that disrupts the course of trial. Do
2 you understand?

3 MR. ROUTH: Most certainly.

4 THE COURT: Okay. All right. We touched upon this
5 last time, and it was just your courtroom professional business
6 attire. Have you made those arrangements, Mr. Routh?

7 MR. ROUTH: Yes. Yes, Your Honor.

8 THE COURT: Okay.

9 MR. SHIPLEY: Your Honor, may I be heard briefly on
10 that?

11 THE COURT: Okay.

12 MR. SHIPLEY: We have a communication -- as you know,
13 obviously the defendant's communications from jail. We have
14 been receiving those, producing them as we receive them.

15 Your Honor is crystal clear about the clothing
16 requirements. But after the Court issued those orders and we
17 had the hearing, we have a communication dated August 22nd,
18 where the defendant is asking his daughter to put labels or
19 slogans on shirts he is wearing. So I don't know that the
20 Court can be any more clear than you have been, but it's
21 obvious that the messages that you imparted were not taken to
22 heart by the defendant based on this communication. And that's
23 after the hearing and after Your Honor's order.

24 THE COURT: Okay. Mr. Routh, what would you like to
25 say about this?

1 MR. ROUTH: Yeah. That's incorrect.

2 So, you know, if -- if my daughter implied that she had
3 already done something, then she had already done something.
4 So, you know, I was like, okay, whatever. So, you know, so
5 nothing was instigated or promoted or -- and all of that will
6 be deleted and omitted. But if my daughter had already done
7 something, then I just told her, "Thank you very much. I
8 appreciate your support."

9 THE COURT: Let me ask you something.

10 MR. ROUTH: Yes.

11 THE COURT: So are you telling me -- of course, you
12 have a duty of candor to the Court in your capacity as your own
13 lawyer. Are you telling me that there is no truth to the
14 statement that you in any way asked a relative to modify
15 clothing with slogans or statements?

16 MR. ROUTH: Not after that court hearing, no. Not --
17 after you stated that we would not do that, I did not. If
18 my -- my daughter certainly called and said that she had
19 already done that, and I certainly told her, "Okay, thank you
20 very much. You know, that's wonderful." You know, whatever.
21 And I'm going to ignore it. But, you know, I'm still going to
22 be grateful to my daughter for her effort.

23 So, you know, I did not say, "Please do more" or,
24 you know, anything of that nature, so --

25 THE COURT: okay.

1 MR. ROUTH: -- you know, no, I did not -- I did not
2 promote the situation any further. So if I said anything --

3 THE COURT: Are you fully clear --

4 MR. ROUTH: Yes, I'm fully clear. Yes.

5 THE COURT: -- with the Court's requirements regarding
6 formal business attire, like everybody is subject to in the
7 courtroom?

8 MR. ROUTH: Yes, yes, yes, yes, yes.

9 THE COURT: Okay. So then let me ask Mr. Shipley. Do
10 you care to comment on this again?

11 MR. SHIPLEY: Your Honor, it's a -- I don't think we
12 need more than that. He's -- obviously, I would not have
13 brought that to the Court's attention without a factual basis
14 for it. But I don't know the Court can do more than you
15 already have, and if it becomes an issue, obviously you have
16 other options at your disposal.

17 THE COURT: Okay. Well, with Mr. Routh's, again,
18 reiterated commitment to comport with the formal business
19 attire, again, that everybody is subject to, then we will move
20 past that issue.

21 Okay. Now let's discuss briefly just placement and
22 seating. Mr. Routh, you're going to stay where you are right
23 now for purposes of trial. But if at any point you have issues
24 with visibility or with hearing, you need to alert me to those
25 issues so I could try to address them as best I can in the

1 moment. Do you understand?

2 MR. ROUTH: Certainly. That's wonderful.

3 THE COURT: okay. All right.

4 For standby counsel, the chairs are going to be where
5 Ms. Sihvola is seated, and you can arrange yourself there, but
6 you need not be at counsel table unless you wish to be at
7 counsel table. Any questions about placement?

8 MS. MILITELLO: No. Thank you.

9 THE COURT: Okay. Mr. Routh, when it's time for you to
10 cross-examine a witness or when it's time for you to present
11 your opening statement, you will be permitted -- and I will
12 excuse the jury for this process each time, but you'll be
13 permitted to go from where you are sitting right now to the
14 lectern. That lectern will be shifted slightly so that you can
15 address the jury.

16 MR. ROUTH: okay.

17 THE COURT: But you are strictly prohibited from going
18 anywhere else. So let me just be clear, you go from that
19 chair; you go to the lectern. You don't approach the jury box.
20 You don't approach the witness box. You don't approach the
21 bench. You don't approach the government's table or the
22 gallery. Do you understand?

23 MR. ROUTH: Most certainly. Certainly. And you can
24 certainly move the lectern over here. I mean, that's certainly
25 acceptable.

1 THE COURT: we will leave the lectern where it is. I
2 just want to be very clear that you don't have free reign over
3 the well of the courtroom and that you are to go from where you
4 are to the lectern and back.

5 If you happen to have a document that you wish to
6 present to a witness, then you should let me know that you want
7 to do that, and we will either have a deputy or court staff
8 provide the document to the witness and vice versa. Do you
9 understand that mechanism?

10 MR. ROUTH: Yes. Yes, Your Honor.

11 THE COURT: Okay. Now, for the government, in general,
12 you should stay within the lectern space while delivering your
13 opening or closing. And if you have a request to approach the
14 witness, then you can do so in the normal course. But there
15 should be no sort of general walking around during argument.
16 Any questions about that?

17 MR. SHIPLEY: No problem with that, Your Honor. Just
18 to clarify, so you would ask that we give jury addresses from
19 the lectern, not using a handheld or a lapel mic?

20 THE COURT: Correct. And if you need to take a couple
21 of steps left and right, that's okay. But in general, you
22 should be in the vicinity of the lectern when presenting
23 arguments to the jury.

24 MR. SHIPLEY: Okay. Understood. Okay.

25 THE COURT: If there is an issue with the audio, we

1 will, of course, have available the extra microphones for use,
2 and you can make those requests if necessary.

3 Okay. This goes without saying, Mr. Routh, but if you
4 make any sudden movements or hostile actions or otherwise
5 engage in any inappropriate behavior, the marshals will take
6 decisive and quick action to prevent and respond. Do you
7 understand, sir?

8 MR. ROUTH: Yes, most certainly. Yes.

9 THE COURT: Okay. All right.

10 we had talked about this a while ago, and it was
11 whether you might have some relative, Mr. Routh, that wished to
12 be present on a regular basis during trial. And the idea was
13 maybe we would reserve a couple of seats for that purpose. Do
14 you still think you will be having regular visitors for trial?

15 MR. ROUTH: Yes. Yes. Yeah, I assumed we would set
16 aside three seats, so I told them three seats. So we should
17 have three people here.

18 THE COURT: Three people. Okay. All right, then.
19 we're going to make arrangements to keep -- keep those three
20 chairs for you, but if people don't show up, you understand
21 there might be other people in the public that wish to use
22 those chairs. I won't be able to hold them indefinitely if
23 they're not being used. Do you understand?

24 MR. ROUTH: Certainly. Certainly. Yes.

25 THE COURT: Okay. Okay. For opening statements, I

1 have allotted 40 minutes. Please plan accordingly. Does the
2 government have any anticipated demonstratives, PowerPoints,
3 et cetera, or exhibits they wish to use during opening?

4 MR. SHIPLEY: I will, Your Honor. And it segues with
5 the discussion, that the Court may be amenable to having in a
6 moment, about preadmitting certain exhibits. But to the extent
7 we don't do that or the Court has a different view, I'm happy
8 to make those available in advance. Those, I would expect to
9 have by Monday, by the start of trial at the latest.

10 THE COURT: Okay. Are you prepared today, though, to
11 present argument on any exhibits to be used during opening?

12 MR. SHIPLEY: We are. We have a suggestion, and it may
13 not even be argument, but we have a suggestion for how we can
14 proceed on areas that I don't think will be contested. So if
15 the Court wants me to address that, can I turn to that topic?

16 THE COURT: All right. We will do so in just a moment.

17 Another kind of basic housekeeping issue I did want to
18 go over with you, Mr. Routh, is the process for making
19 objections.

20 MR. ROUTH: Okay.

21 THE COURT: In general, the way it happens is, a party
22 has an exhibit to propose, they move to admit the exhibit. And
23 at that point I ask the opposing party whether the opposing
24 party either objects or doesn't object to the proposed exhibit.

25 MR. ROUTH: All right.

1 THE COURT: So as an example, let's say there is
2 Government Exhibit 1, the government moves to admit Government
3 Exhibit 1. I will then turn to you and say, "Mr. Routh, any
4 objection?" At that point you have to either say, "No
5 objection" or state your objection. Do you understand that
6 basic format?

7 MR. ROUTH: Yes, Your Honor.

8 THE COURT: Okay. Now, if you do have an objection --
9 and this is important to emphasize -- what I do not allow is
10 lengthy speaking objections.

11 MR. ROUTH: Right.

12 THE COURT: So if you have an objection, you need to
13 succinctly state the basis for the objection in one or two
14 words, but then stop.

15 MR. ROUTH: Okay.

16 THE COURT: Do you understand?

17 MR. ROUTH: Yes.

18 THE COURT: So what I don't want to hear is just
19 lengthy argument or thoughts or stream of consciousness,
20 anything sort of along those lines. It needs to be a very
21 succinct and targeted statement of the basis for your
22 objection. Do you understand?

23 MR. ROUTH: I understand that fact, yes.

24 THE COURT: Okay. Now, if there is something more
25 developed or complex that requires consideration, then I might

1 have occasion to excuse the jury and engage in argument with
2 you and with the government. But as an ordinary matter, that's
3 the simple way of going about things, and you'll be called upon
4 to state your position, like I said, in a succinct way in the
5 moment at each time the exhibit is being offered. Do you
6 understand?

7 MR. ROUTH: I understand.

8 THE COURT: Okay. So no speaking objections.

9 All right. Okay.

10 Mr. Shipley, let's get back to this prior proposal.

11 MR. SHIPLEY: Your Honor, what we tried to do -- we've
12 obviously provided and, again, this morning, our exhibit list.
13 We've tried to identify, based on the stipulations that we have
14 received from Mr. Routh, the 902 submissions that we've made,
15 items that should be -- should not be contested or either have
16 already been addressed or the subject of an order from this
17 Court.

18 So I can describe those categories generally, and I
19 think Ms. Medetis Long has provided to standby and to Mr. Routh
20 a marked-up exhibit list that we can give the Court, which has
21 highlighted the items that we would ask the Court to admit
22 today. So if I can provide that to your --

23 THE COURT: Yes, thank you.

24 MR. SHIPLEY: May I approach, Your Honor?

25 THE COURT: Yes.

1 MR. SHIPLEY: (Tendering items.)

2 THE COURT: Thank you.

3 Does this relate, I think you said, to the
4 stipulations, the additional ones that were given to Mr. Routh
5 last time for his review to discuss today?

6 MR. SHIPLEY: To some extent, yes. I
7 could -- Ms. Medetis Long can address that in a moment. But,
8 yes, we have additional stipulations. Those have been signed.
9 So that's taken care of. We do have additional agreement on
10 items. And we have a copy of that for the Court, if you would
11 like to see it --

12 THE COURT: Okay. Are there any leftover stipulations
13 that were presented to Mr. Routh that haven't yet been decided
14 one way or the other?

15 MR. SHIPLEY: Unless -- if Mr. Routh is open to
16 considering or considering further some of those, then we would
17 be too, but that's -- we've got back from him a handwritten
18 document that identified "yes" to certain things, "no" to other
19 things. And we have provided him a clean copy this morning,
20 which we have his signature on and I have signed as well. So
21 that's done.

22 So we're open to stipulations on any reasonable topics,
23 as we have been, or additional ones that we've requested. But
24 we may have drained as much out of that as we can at this
25 point.

1 THE COURT: okay. All right.

2 Mr. Routh, do you have any comments or questions about
3 the stipulations that have been reached so far and executed?

4 MR. ROUTH: No. I did execute that earlier. You know,
5 I think -- I'm not sure if they're moving on to this lengthy
6 list.

7 THE COURT: okay. I think we're on the same page.
8 Okay. So we're done right now with the stipulation discussion,
9 unless it resurfaces in the course of this exhibit list.

10 So before we get to the government's exhibit list,
11 Mr. Routh, do you have your witness and exhibit lists ready to
12 provide to the United States?

13 MR. ROUTH: Yes. Yes, Your Honor.

14 THE COURT: okay. And, just to be clear, what do you
15 have in that Redweld?

16 MR. ROUTH: All the exhibits. All of my exhibits.

17 THE COURT: okay. So you have the actual copies of the
18 exhibits?

19 MR. ROUTH: Yes.

20 THE COURT: okay. Do you have a list of your proposed
21 witnesses?

22 MR. ROUTH: Yes.

23 THE COURT: In line with the Court's orders?

24 MR. ROUTH: Yes.

25 THE COURT: okay. All right. well, then, please give

1 that over to Ms. Militello who will then give it to the
2 United States. Thank you.

3 MS. MILITELLO: The government was provided a copy.
4 what Mr. Routh is holding is the originals that he would
5 provide to the Court --

6 THE COURT: Oh, okay.

7 MS. MILITELLO: -- as evidence.

8 THE COURT: So the government already has these?

9 MS. MILITELLO: Yes. I gave them a copy.

10 THE COURT: Then you should hold on to your originals,
11 sir, because I don't want you to lose those.

12 MR. ROUTH: Okay. Okay. I thought you wanted it.

13 THE COURT: And that's the only copy you have, and it's
14 your copy, just so I understand?

15 MR. ROUTH: No. We have three. We have several
16 copies.

17 THE COURT: Okay. If you have one for the Court that
18 you can provide now without sacrificing your own original set,
19 I will receive that.

20 MR. ROUTH: Yes. (Indicating.)

21 THE COURT: Okay, then, thank you. We will take that.

22 MS. MILITELLO: Your Honor, I believe that is the
23 original copy, but Mr. Routh has a copy of those originals.

24 THE COURT: Okay. Well, I just want to make sure that
25 Mr. Routh has his original exhibits. If I take this, will that

1 pose a problem, Ms. Militello?

2 MS. MILITELLO: It's not a problem. But those are
3 the -- I think those are the originals from which we made
4 copies for all of the parties, so --

5 THE COURT: Okay. Mr. Routh, do you have your own set
6 of copies for these documents in a marked way?

7 MR. ROUTH: Yes, Your Honor. Yes. We have everything
8 here.

9 THE COURT: Okay. I can't hear you, sir, when you talk
10 away from the microphone.

11 MR. ROUTH: We have everything.

12 THE COURT: Okay. Thank you.

13 MR. ROUTH: We have everything.

14 THE COURT: Okay, Mr. Shipley, you have received all of
15 these items?

16 MR. SHIPLEY: We have, Your Honor. We have just taken
17 a preliminary look at them and have some questions, but we can
18 tackle that later if we need to today. But we have received
19 the witness list, or what purports to be a witness list, and
20 the exhibit list, yes.

21 THE COURT: Okay. Thank you.

22 Okay. So now let me hear from you, Mr. Shipley, on
23 your kind of annotated exhibit list with the highlights for the
24 exhibits that perhaps there is agreement on.

25 MR. SHIPLEY: Sure.

1 So what we tried to do, Your Honor, is identify a
2 couple of categories of items. And all of the
3 highlighted-in-yellow entries fall into one of these different
4 buckets. I will give a broad overview, and then I could tell
5 you specifically what items fall into which, or we can give
6 Mr. Routh an opportunity to comment or take a look.

7 Basically what we have highlighted are either items
8 that were pre-admitted by the Court in your 404(b) ruling or in
9 your motion in limine order; items that -- for which there is a
10 902 business records certification; items that are the subject
11 of an expressed stipulation; items that are from the
12 defendant's primary phone, Government's Exhibit 301, which the
13 defendant has stipulated is his; and physical items from both
14 the sniper hide and from the Xterra.

15 So those are the categories of items that we would ask
16 the Court to admit now. And where we have had information from
17 Mr. Routh that he objects to certain items, for example, his
18 ownership or relationship to other phones, we are not asking
19 the Court to rule on those now, although, they will be
20 straightforward issues for trial. But even making a little
21 headway on this, I think, will simplify things. It will take a
22 little bit of the burden off of your courtroom staff having to
23 publish exhibits first to the witness before we can publish it
24 to the jury and just generally make things go more efficiently,
25 assuming these are not contested topics. Again, these are --

1 some of these are matters that, you know, would be addressed
2 routinely -- again, the 902s or subjects of the Court's prior
3 orders.

4 THE COURT: Okay. And Mr. Routh was given a copy of
5 this annotated stack before this hearing?

6 MR. SHIPLEY: Yes, Your Honor. We just gave it to him
7 this morning through Ms. Militello.

8 THE COURT: Okay.

9 MR. SHIPLEY: What I can --

10 THE COURT: One moment.

11 we have available for the government copies of the
12 Rule 17 sealed supplement, along with the initial Rule 17
13 subpoenas that were submitted ex parte. Those will now be
14 given to the government. And then what we will do is we will
15 take a recess to allow the parties to evaluate and consider all
16 of these materials, and then come back after the recess today
17 and try to get through any substantive issues that we can with
18 respect to exhibits or witnesses.

19 So I will ask court staff now to please give to the
20 United States those items.

21 COURTROOM DEPUTY: (Tendering items.)

22 THE COURT: Okay. Mr. Routh, have you obtained -- seen
23 this copy with the annotated yellow items?

24 MR. ROUTH: Yes. Yes, I have a copy.

25 THE COURT: Okay.

1 MR. ROUTH: Yes, I have a copy now.

2 THE COURT: Okay. And do you have -- Mr. Shipley, have
3 you given to the defendant the physical copies of these items
4 as well?

5 MR. SHIPLEY: We have, Your Honor. And we also have a
6 set available for the Court, also, of the physical exhibits.

7 THE COURT: Okay. We will retrieve that at the end of
8 this initial session.

9 Okay. So what we're going to do, like I said, to allow
10 for at least some deliberation on these items, is to take a
11 break -- it's almost noon at this point -- until 1:00, 1:30.
12 This will double as a lunch break.

13 In addition to the potential uncontested exhibits,
14 please be prepared, Mr. Shipley, or your team, to address any
15 witness issues that you might perceive from the defense
16 materials. I also want to allot some time for the discussion
17 of any broader topics, including the defendant's character
18 witnesses. This issue has been addressed in subsequent orders,
19 but I want to be able to flesh that out, if necessary, along
20 with any consequences that those character witnesses may have
21 on previously excluded 404(b) evidence.

22 So, with that, we're going to recess now until 1:30 as
23 noted.

24 Mr. Routh, do you have any questions about how we're
25 going to sequence out today's hearing?

1 MR. ROUTH: No, no questions. So you will -- you want
2 me to determine if these exhibits are acceptable?

3 THE COURT: Exactly. Exactly. And then what's going
4 to also happen is the government is going to take a look at
5 what you have prepared --

6 MR. ROUTH: Uh-huh.

7 THE COURT: -- and offer any objections or arguments
8 about those materials. So we will have an opportunity to
9 discuss those issues too.

10 MR. ROUTH: Okay.

11 THE COURT: And then if there is also a need to discuss
12 your proposed character witnesses in line with the Court's
13 order, we will talk about that as well. Do you follow?

14 MR. ROUTH: I follow.

15 THE COURT: Okay.

16 MR. ROUTH: Also, I have two motions that -- I don't
17 know if you want those now, so you can review those while over
18 lunch.

19 THE COURT: All right. What are your motions? And I
20 will receive them. But I do want to say something, Mr. Routh.
21 You are familiar with the obvious fact that the pretrial
22 motions deadline expired many months ago. Do you understand?

23 MR. ROUTH: Certainly.

24 THE COURT: Okay. And you have committed under oath to
25 respecting those already-expired deadlines; correct?

1 MR. ROUTH: Correct. But this is one -- they -- they
2 just introduced four new -- four new items of evidence, and I
3 was just contesting what they have submitted in the last week.
4 So I'm just contesting what they've presented in the last week.
5 So, I mean --

6 THE COURT: Okay. Well, I will take a look. I don't
7 know what they consist of. I will permit you to provide those
8 filings to courtroom staff. Do you have -- have you provided
9 them to the -- to the government attorneys?

10 MR. ROUTH: No. I do not have copies. I only have one
11 copy.

12 THE COURT: Okay. Well, then, we will make copies of
13 these items and provide them to the government, so you can take
14 a look at these as well over the break. But just as a preview,
15 is this -- is this two motions, sir?

16 MR. ROUTH: Yeah, two motions. Yes.

17 THE COURT: Two motions. Okay. There is one that
18 says, "Motion to exclude prosecution's latest evidence and
19 support." There is some commentary followed by references to
20 accommodations at the St. Lucie County Jail and other
21 apparently relevant items. And then there is a motion to admit
22 all three letters. Which specific three letters are you
23 referring to, sir?

24 MR. ROUTH: The "Dear world," the "for" letter -- and
25 the -- there were two that were found on the golf course and

1 one that was in the box in North Carolina. So there were three
2 notes.

3 THE COURT: Okay. Say that one more time. There is
4 the "Dear" letter, only a portion of which has been admitted.

5 MR. ROUTH: Right. Right. Right.

6 THE COURT: Okay. The rest of it, if offered by you,
7 is hearsay. What are the other two?

8 MR. ROUTH: There were two notes that were found in the
9 grass or something by the golf course.

10 THE COURT: Okay. All right. We will make copies of
11 these items.

12 Mr. Shipley or Mr. Browne or Ms. Medetis, you should
13 address those when we return.

14 That's all for now. Thank you.

15 (A recess was taken from 11:53 a.m. to 1:41 p.m.)

16 THE COURT: Please be seated unless you are addressing
17 the Court. Everybody is present.

18 Okay. We had an earlier session today to discuss more
19 logistical technical issues, and now we're going to endeavor to
20 address some more substantive components, starting first with
21 the potential for preadmission of any uncontested exhibits.

22 So, Mr. Routh, have you had a chance to review the
23 marked-up version of the government's Exhibit list with the
24 various highlighted items?

25 MR. ROUTH: Yes, Your Honor.

1 THE COURT: Okay. Do you need any more time to review
2 those materials?

3 MR. ROUTH: There is only -- only basically three items
4 I have a problem with.

5 THE COURT: Okay. I certainly don't want you to feel
6 rushed in your deliberation or evaluation of these exhibits.
7 So I just want to ask again, do you need any more time to go
8 over this list or the underlying copies themselves?

9 MR. ROUTH: No. No, Your Honor.

10 THE COURT: Okay. So do you understand, Mr. Routh,
11 that if you agree to admission of these items, they will be
12 deemed admitted into the trial record and there won't be a
13 further opportunity to object to their admission?

14 MR. ROUTH: Certainly.

15 THE COURT: Okay. And you're comfortable doing that
16 right now?

17 MR. ROUTH: Certainly.

18 THE COURT: Do you need any more time to discuss this
19 matter with standby counsel if you choose to do so?

20 MR. ROUTH: No. That's okay.

21 THE COURT: All right. Okay, then. We are going to go
22 page by page then with this, and I ask that you please follow
23 along so we don't get confused with the various numbers.

24 And let me confirm with Mr. Shipley. Is this your
25 final list in terms of your final numbering?

1 MR. SHIPLEY: It is, correct, yes.

2 THE COURT: All right. So if we refer to GX1, it's
3 going to stay GX1 for purposes of trial?

4 MR. SHIPLEY: That's correct.

5 THE COURT: Same with all of the others?

6 MR. SHIPLEY: Yes. We've stuck -- all these numbers
7 will not change. That's why we have some gaps in numbering,
8 and we tried to make that consistent.

9 THE COURT: Okay, then. We are going to do this page
10 by page. There are a total of 33 pages, and not every page
11 contains highlighted items, although many do. So we're going
12 to start with the first page.

13 The government is asking for an order preadmitting
14 Government's Exhibits 1 through 11.

15 Do you have any objection to those items, Mr. Routh?

16 MR. ROUTH: No, Your Honor.

17 THE COURT: Okay. So, to be clear, you're agreeing to
18 admission of GX1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11?

19 MR. ROUTH: Yes. 7 is ambiguous, but, you know,
20 whatever. An unknown individual? Really?

21 THE COURT: Okay. Do you want to take a moment to
22 review GX7 to figure out who the unknown individual is?

23 MR. ROUTH: Well, it's just a -- it's just -- it's just
24 an ambiguous piece of information. I mean, you know.

25 THE COURT: So do you have an objection to GX7, yes or

1 no?

2 MR. ROUTH: No, I don't have an objection. I don't
3 care.

4 THE COURT: All right. Then Government's Exhibits 1
5 through 11 will be admitted without objection.

6 (Government Exhibits 1-11 were received in evidence.)

7 THE COURT: All right. Please turn to page 2,
8 Mr. Routh.

9 Do you have any objection to Government's Exhibits 25,
10 26, 27, 28, 29, 30, 31, or 32?

11 MR. ROUTH: No. No.

12 THE COURT: Okay. And you're clear about that?

13 MR. ROUTH: Clear.

14 THE COURT: Okay. Then those exhibits will be admitted
15 without objection. Again, this is Government's 25 through 32.

16 (Government Exhibits 25-32 were received in evidence.)

17 THE COURT: Okay. Looking at page 3 of this exhibit
18 list, do you have any objection to admission of
19 Government's 33, 34, 35, 36?

20 MR. ROUTH: Yes.

21 THE COURT: It skips to 38. Then 39A through D, 41,
22 42, 43, 44, 45, 46. And then it jumps to a 100 series; 100,
23 101, 103, 104, and 105.

24 MR. ROUTH: Yes. I object to -- to 36, 38, and 45. I
25 mean, that's just -- I'm not -- I'm losing confidence in our

1 FBI. That's just bogus. It's just not real. So I'm not sure
2 how to -- how one is supposed to express that in legal terms.

3 THE COURT: Okay. Let me ask you this. Do you have an
4 objection to 33?

5 MR. ROUTH: No.

6 THE COURT: 33 will be admitted without objection.

7 (Government Exhibit 33 was received in evidence.)

8 THE COURT: Do you have an objection to 34?

9 MR. ROUTH: No.

10 THE COURT: 34 will be admitted without objection.

11 (Government Exhibit 34 was received in evidence.)

12 THE COURT: Do you have an objection to 35?

13 MR. ROUTH: No.

14 THE COURT: 35 will be admitted without objection.

15 (Government Exhibit 35 was received in evidence.)

16 THE COURT: We are going to not address further today
17 36 or 38, given what you have indicated, although none of which
18 you have indicated is actually a valid objection, but we will
19 table that discussion for later.

20 MR. ROUTH: Okay. And 45 --

21 THE COURT: Okay. Do you have an objection to
22 Government's Exhibits 39A through D?

23 MR. ROUTH: No.

24 THE COURT: Okay. Government's 39A through D will be
25 admitted without objection.

1 (Government Exhibits 39A-D were received in evidence.)

2 THE COURT: Do you have any objection to
3 Government's 41, 42, 43, or 44?

4 MR. ROUTH: No, Your Honor.

5 THE COURT: Okay. Those four will be admitted without
6 objection.

7 (Government Exhibits 41-44 were received in evidence.)

8 THE COURT: You told me earlier you're objecting to 45.
9 Is that right?

10 MR. ROUTH: Yes. 45 pertains to 36 and 38. Same.
11 Same.

12 THE COURT: Okay. So 45 will not be admitted at this
13 time.

14 Do you have any objection to Government's 46, 100, 101,
15 103, 104, or 105?

16 MR. ROUTH: We are still pending on GX100, on the
17 "Dear world" letter as far as how much you are going to allow
18 us to use. I mean, certainly, we can use the last page. The
19 last page, you know, I included that in that -- in one of those
20 motions that I submitted today. But, you know, the last page
21 obviously has -- speaks about Trump's airplane and also says
22 that, you know, the writer of the note is a failure, which
23 speaks to a -- a state of mind, which speaks to intent. So, I
24 mean, I think the last page of the "Dear world" letter should
25 be seriously considered.

1 THE COURT: Okay. This "Dear world" letter has been
2 the subject of an order, and there is now a new motion asking
3 for more of that letter to come in. So we're not going to do
4 this one right now, although the Court's prior order allowing
5 page 1 only, as brought by the government, still remains in
6 effect. The only question is whether additional portions of
7 that letter are necessary somehow. We will take that up later.

8 Do you have any objection to Government's 101
9 through 105, Mr. Routh? Mr. Routh?

10 MR. ROUTH: No. No.

11 THE COURT: Okay. Government's 101 through 105 will be
12 admitted without objection.

13 (Government Exhibits 101-105 were received in evidence.)

14 THE COURT: Mr. Shipley.

15 MR. SHIPLEY: Just something related to Government
16 Exhibit 100. We can come back to it later if you'd like.

17 THE COURT: Okay. So 100 is not going to be admitted
18 now, but we have admitted 101 through 105. Is everybody on the
19 same page thus far?

20 MR. SHIPLEY: Did we do 46, Your Honor?

21 THE COURT: Madam Reporter, can you check, please.

22 MR. ROUTH: 46 is acceptable.

23 THE COURT: I think there does need to be an additional
24 ruling on 46. So let me just confirm.

25 Mr. Routh, are you okay with Government's 46?

1 MR. ROUTH: Yes, Your Honor.

2 THE COURT: okay. 46 will be admitted without
3 objection.

4 (Government Exhibit 46 was received in evidence.

5 THE COURT: okay. Other than the remaining items or
6 arguments for Government's 100, Mr. Shipley, anything else to
7 cover on this page?

8 MR. SHIPLEY: No, Your Honor.

9 THE COURT: okay. All right. So we're going to go to
10 the fourth page of this.

11 Mr. Routh, first, please, tell me which ones you don't
12 object to that are highlighted.

13 MR. ROUTH: The only one in question is 118, if we
14 could include all of that text. We've only got one text,
15 and --

16 THE COURT: So let's just do this another way.

17 MR. ROUTH: okay.

18 THE COURT: of the highlighted ones, which one do you
19 agree should be admitted?

20 MR. ROUTH: All but 118.

21 THE COURT: okay. So 101 [sic], 109, 110, 112, 113,
22 116, and 117 will be admitted without objection.

23 Is that your understanding, Mr. Routh?

24 MR. ROUTH: Yes, Your Honor.

25 THE COURT: okay. So then let's talk about 118.

1 what's your argument on this one, Mr. Routh?

2 MR. ROUTH: well, again, we've just extracted just
3 one -- one part of a conversation. It would be nice to have
4 the rest of the conversation so the jury has the whole context.
5 I just extracted --

6 THE COURT: okay. We're going to table 118.

7 MR. ROUTH: okay.

8 THE COURT: And we will have to see, at trial, if any
9 additional portion of that chain or that message is legally
10 warranted. Okay. So let's look at the next page.

11 Do you have any objection to Government's 130,
12 Mr. Routh?

13 MR. ROUTH: Give me one second. I dismantled this
14 whole thing.

15 MR. SHIPLEY: Your Honor, I'm sorry. Just for clarity,
16 Your Honor may have said 101 instead of 108, but we were
17 talking about 108 on that page. So I apologize if we missed
18 it. But just for clarity, it's -- 108 was on the page we just
19 were on.

20 MR. ROUTH: okay. All right. Go ahead, Your Honor.

21 THE COURT: okay. Then let's do this again because
22 maybe I misstated a number. Let's go back to page 4 where it
23 has 108, 109, et cetera. Do you see that page?

24 MR. ROUTH: Yes, yes.

25 THE COURT: okay. Do you have any objection to

1 Government's 108, 109, 110, 112, 113, 116, or 117?

2 MR. ROUTH: No, Your Honor.

3 THE COURT: Okay. Those exhibits will be admitted
4 without objection.

5 (Government Exhibits 108-110, 112-113, 116-117 were
6 received in evidence.)

7 THE COURT: Does that clear up any prior confusion,
8 Mr. Shipley?

9 MR. SHIPLEY: Yes, Your Honor. Thank you.

10 THE COURT: Okay. So 118 is not being ruled upon
11 today.

12 So now we're looking at Government's 130. Do you have
13 an objection to that?

14 MR. ROUTH: I don't think that these are valid, but --

15 THE COURT: Okay. What about 131?

16 MR. ROUTH: Yeah, all -- all of those. 131 and 132;
17 they're all the same, which --

18 THE COURT: Okay. We're going to then skip these.
19 These will not be addressed today.

20 MR. ROUTH: Okay.

21 THE COURT: Let's look at Government's 140. Do you
22 have an objection to that?

23 MR. ROUTH: Yes. 140, 143, and 146; same situation.
24 I'm not sure how they -- again, I'm losing confidence in -- in
25 everything, so...

1 THE COURT: Okay. So we're not going to rule upon
2 those.

3 Let's look at page 8. Any objections, sir, to 166, and
4 all of the other highlighted items on that page?

5 MR. ROUTH: No. Everything is fine on that page.

6 THE COURT: Okay. So let's go through the specific
7 numbers.

8 Do you have any objection to Government's 166?

9 MR. ROUTH: No.

10 THE COURT: That exhibit will be admitted without
11 objection.

12 (Government Exhibit 166 was received in evidence.)

13 THE COURT: Do you have any objection to
14 Government's 167 or 175?

15 MR. ROUTH: No.

16 THE COURT: Those two exhibits will be admitted without
17 objection.

18 (Government Exhibit 167 was received in evidence.)

19 (Government Exhibit 175 was received in evidence.)

20 THE COURT: Do you have any objection to Government's
21 Exhibits 176, 179, or 180?

22 MR. ROUTH: No. No problem.

23 THE COURT: Those three exhibits will be admitted
24 without objection.

25 ///

1 (Government Exhibits 176, 179, 180 were received in
2 evidence.)

3 THE COURT: Now, do you have any objection to
4 Government's Exhibit 184A and B?

5 MR. ROUTH: Not really. I just got "diapers" on here,
6 and that is certainly not -- not me. But no, I don't have a
7 problem with that.

8 THE COURT: So you're agreeing to admission of
9 Government's 148A and B?

10 MR. ROUTH: Sure.

11 THE COURT: Okay. Government's 148A and B will be
12 admitted without objection.

13 (Government Exhibits 148A and B were received in
14 evidence.)

15 THE COURT: Now, what is your position on
16 Government's 185 and 186?

17 MR. ROUTH: The rest of the page is fine.

18 THE COURT: Okay, then. Then, to be clear, 185, 186,
19 187A, 187B, 188A, 188B, 190, will all be admitted without
20 objection.

21 (Government Exhibits 185, 186, 187A, 187B, 188A, 188B,
22 190 were received in evidence.)

23 THE COURT: Mr. Shipley, for 200, is it 200A and 200B,
24 or what's the numbering?

25 MR. SHIPLEY: It's 200-1A and 200-1B.

1 THE COURT: Okay.

2 MR. SHIPLEY: It's the Google Maps.

3 THE COURT: All right. Hearing no objection from
4 Mr. Routh on those two remaining items on this page of the
5 exhibit list, Government's 200-1A, Government's 200-1B, and
6 Government's 200-2 will be admitted without objection.

7 (Government Exhibits 200-1A, 200-1B, 200-2 were received
8 in evidence.)

9 THE COURT: And I should say 200-2, not "202." Same
10 for the prior exhibit; it's 200-1A and 200-1B.

11 Okay. Now, Mr. Routh, please indicate whether you have
12 any objection to the highlighted exhibits on page 8 of this
13 exhibit. The first one is 200-9.

14 MR. ROUTH: The only one at issue is GX200-39, which is
15 duplicated on the next page, so...

16 THE COURT: So you are okay and agreeing to admission
17 of 200-9?

18 MR. ROUTH: Yes.

19 THE COURT: 200-17?

20 MR. ROUTH: Yes.

21 THE COURT: 200-18?

22 MR. ROUTH: Yes.

23 THE COURT: And 200-19?

24 MR. ROUTH: Yes.

25 THE COURT: Okay. Those four will be admitted without

1 objection.

2 (Government Exhibits 200-9, 200-17, 200-18, 200-19 were
3 received in evidence.)

4 THE COURT: Are you also agreeing to admission of
5 200-20?

6 MR. ROUTH: Yes.

7 THE COURT: 200-2 -- excuse me -- 200-21A and 200-21B?

8 MR. ROUTH: Yes.

9 THE COURT: Okay. So Government's 200-21A and
10 government 200-21B will be admitted without objection.

11 (Government Exhibits 200-20, 200-21A, 200-21B were
12 received in evidence.)

13 THE COURT: Do you have any objection to the 200-23,
14 200-24, or 200-28?

15 MR. ROUTH: No.

16 THE COURT: Okay. Those three will be admitted without
17 objection.

18 (Government Exhibits 200-23, 200-24, 200-28 were received
19 in evidence.)

20 THE COURT: Now, do you have any objection to 200-30A
21 and 200-30B?

22 MR. ROUTH: No.

23 THE COURT: Those will be admitted as well without
24 objection.

25 ///

1 (Government Exhibits 200-30A and 200-30B were received in
2 evidence.)

3 THE COURT: Now, do you have any objection to 200-32,
4 200-33, 200-35, 200-36, 200-38 --

5 MR. ROUTH: No.

6 THE COURT: -- 200-39, or 200-41?

7 MR. ROUTH: 200-39, yes. Again, this flashlight just
8 being thrown out on the golf course is bogus.

9 THE COURT: So you agree to 200-33?

10 MR. ROUTH: Yes. All of them but 39.

11 THE COURT: okay. So 200-33, 200-35, 200-36, 200-38,
12 and 200-41 will be admitted without objection, and we will not
13 have a ruling on 200-39.

14 (Government Exhibits 200-32, 200-33, 200-35, 200-36,
15 200-38, and 200-41 were received in evidence.)

16 THE COURT: okay. Any clarifications so far,
17 Mr. Shipley?

18 MR. SHIPLEY: No, Your Honor.

19 THE COURT: First, Mr. Routh, can you just tell me on
20 this page -- we're now on page 9 -- which ones you agree to?

21 MR. ROUTH: I agree to everything but 200-46, 200-60,
22 and 200-72.

23 THE COURT: Those are the "200-"?

24 MR. ROUTH: Yes.

25 THE COURT: okay.

1 MR. ROUTH: 200-46, -60, and -72.

2 THE COURT: okay. All right. Then 200 -- 200-44,
3 200-45, 200-47, 200-50, 200-51, 200-52, 200-53, 200-55, 200-57A
4 through E, 200-63, 200-66, 200-62 will be admitted without
5 objection.

6 (Government Exhibits 200-44, 200-45, 200-47, 200-50,
7 200-51, 200-52, 200-53, 200-55, 200-57A through E, 200-63,
8 200-66, 200-67 were received in evidence.)

9 MR. SHIPLEY: -67, Your Honor.

10 THE COURT: Oh, goodness.

11 MR. SHIPLEY: Or -72.

12 THE COURT: Yes. The last one I meant to say is --
13 200-67 will be admitted without objection. We are not going to
14 be entertaining, for now, 200-72.

15 Anything further, Mr. Shipley?

16 MR. SHIPLEY: No, Your Honor. Thank you.

17 THE COURT: All right. So looking now at page 10,
18 Mr. Routh. Same procedure. Can you just tell me which ones
19 you agree with? Just the agreements.

20 MR. ROUTH: I agree with all but 200-98 -- 200-98.

21 THE COURT: okay. Do you agree to 200-78?

22 MR. ROUTH: Yes.

23 THE COURT: Do you agree to 200-80?

24 MR. ROUTH: Yes.

25 THE COURT: Do you agree to 200-82?

1 MR. ROUTH: Yes.

2 THE COURT: okay. Those three exhibits will be
3 admitted without objection.

4 (Government Exhibits 200-78, 200-80, 200-82 were received
5 in evidence.)

6 THE COURT: Do you agree to 200-83?

7 MR. ROUTH: Yes.

8 THE COURT: Do you agree to 200-85?

9 MR. ROUTH: Yes.

10 THE COURT: Do you agree to 200-86?

11 MR. ROUTH: Yes.

12 THE COURT: okay. Those three exhibits will be
13 admitted without objection.

14 (Government Exhibits 200-83, 200-85, 200-86 were received
15 in evidence.)

16 THE COURT: Do you agree to 200-87?

17 MR. ROUTH: Yes.

18 THE COURT: That will be admitted without objection.

19 (Government Exhibit 200-87 was received in evidence.)

20 THE COURT: Do you agree to 200-88?

21 MR. ROUTH: Yes.

22 THE COURT: Do you agree to 200-90?

23 MR. ROUTH: Yes.

24 THE COURT: okay. Those two exhibits, 200-88 and
25 200-90, will be admitted without objection.

1 (Government Exhibits 200-88 and 200-90 were received in
2 evidence.)

3 THE COURT: Now, what is your position on 200-98?

4 MR. ROUTH: I object.

5 THE COURT: okay. we will skip that then.

6 what's your position on Government's Exhibit 200-100?

7 MR. ROUTH: That's fine.

8 THE COURT: okay. So Government's 200-100 will come
9 in.

10 (Government Exhibit 200-100 was received in evidence.)

11 THE COURT: Do you agree to Government's 200-101?

12 MR. ROUTH: Yes, Your Honor.

13 THE COURT: That exhibit will be admitted without
14 objection.

15 (Government Exhibit 200-101 was received in evidence.)

16 THE COURT: Do you agree to Government's 200-102?

17 MR. ROUTH: Yeah, this whole page is fine.

18 THE COURT: All right. Then I will go ahead and admit,
19 without objection, Government's 200-104, Government's 200-106A
20 through G, Government's 300, 301, 302, 303, 304, 305, 306, and
21 307.

22 (Government Exhibits 200-102, 200-104, 200-106A-G,
23 300-307 were received in evidence.)

24 THE COURT: Anything further to discuss on that page,
25 Mr. Routh?

1 MR. ROUTH: No, Your Honor.

2 THE COURT: All right. We are now on page 12.

3 MR. ROUTH: Yes. Yeah, all of it's good.

4 THE COURT: All of it is? Okay. So you're agreeing to
5 admission of all of these highlighted items without objection;
6 correct?

7 MR. ROUTH: Yes, Your Honor.

8 THE COURT: Okay. Government's 310 will be admitted
9 without objection.

10 (Government Exhibit 310 was received in evidence.)

11 THE COURT: Government's 317, 320, 322A through B, 323,
12 324, 325, 326, 327, 331, will all be admitted without
13 objection.

14 (Government Exhibits 317, 320, 322A-B, 323-327, 331 were
15 received in evidence.)

16 THE COURT: Government's 334A-B, 335, 337, 339, 342,
17 343, and 347, will also be admitted without objection.

18 (Government Exhibits 334A-B, 335, 337, 339, 342, 343, and
19 347 were received in evidence.)

20 THE COURT: Are you on the same page, Mr. Routh?

21 MR. ROUTH: Yes, Your Honor.

22 THE COURT: Anything further to discuss from the
23 United States?

24 MR. SHIPLEY: No, Your Honor.

25 THE COURT: Okay. So now we're looking at page 13,

1 Mr. Routh.

2 MR. ROUTH: Yes.

3 THE COURT: What is your position on this?

4 MR. ROUTH: Everything is acceptable. 411 and 413 are
5 retarded, but I don't know, so...

6 But everything is fine.

7 THE COURT: All right, then. We will go ahead and
8 admit without objection Government's 349, 350, 351, 352A and
9 352B, 400, 408, 410, and 414 without objection.

10 (Government Exhibits 349-351, 352A and 352B, 400, 408,
11 410 and 414 were received in evidence.)

12 THE COURT: Okay. Now we're on page 14, Mr. Routh.

13 MR. ROUTH: Yeah. No objections.

14 THE COURT: All right. So you're agreeing to admission
15 of Government's 430, 431, and 432?

16 MR. ROUTH: Yes, Your Honor.

17 THE COURT: Okay. Those three exhibits will be
18 admitted without objection.

19 (Government Exhibits 430-432 were received in evidence.)

20 THE COURT: Are you agreeing to Government's 441, 444,
21 445, and 446?

22 MR. ROUTH: Yes, Your Honor.

23 THE COURT: Okay. Those four exhibits will be admitted
24 without objection.

25 ///

1 (Government Exhibits 441, 444, 445, and 446 were received
2 in evidence.)

3 MR. ROUTH: I do have "diapers" again.

4 THE COURT: Okay. We're going to skip page 15 that has
5 no yellow highlights, and now we're just looking at page 16.
6 And there is just one here, and it's Government's 523. Do you
7 have an objection to that?

8 MR. ROUTH: No.

9 THE COURT: Okay. Government's 523 will be admitted
10 without objection.

11 (Government Exhibit 523 was received in evidence.)

12 THE COURT: We're going to skip page 18 -- excuse me,
13 page 17. I'm using, by the way, the page numbers on the bottom
14 of the page.

15 All right. Now for page 18, Mr. Routh, what is your
16 position on these?

17 MR. ROUTH: No objection.

18 THE COURT: So you're okay with and agree to admit
19 Government 600-1?

20 MR. ROUTH: Yes.

21 THE COURT: And 600-3?

22 MR. ROUTH: Yes.

23 THE COURT: Those two will be admitted without
24 objection.

25 (Government Exhibits 600-1, 600-3 were received in

1 evidence.)

2 THE COURT: Now there is Government's 600-29?

3 MR. ROUTH: Yes.

4 THE COURT: Admitted without objection for that one.

5 (Government Exhibit 600-29 was received in evidence.)

6 THE COURT: And then Government's 600-30, -31, and -32.

7 Do you agree to all three of those?

8 MR. ROUTH: Yes.

9 THE COURT: Okay. Those exhibits will be admitted
10 without objection also.

11 (Government Exhibits 600-30, 600-31, 600-32 were received
12 in evidence.)

13 THE COURT: So now we're looking at page 19. What is
14 your position on Government's 600-34?

15 MR. ROUTH: No objection to anything on this page.

16 THE COURT: So Government's 600-34, you agree to that?

17 MR. ROUTH: Yes.

18 THE COURT: That exhibit will be admitted without
19 objection.

20 (Government Exhibit 600-34 was received in evidence.)

21 THE COURT: Do you agree to Government's 600-48?

22 MR. ROUTH: Yes.

23 THE COURT: Okay. 600-48 will be admitted without
24 objection.

25 (Government Exhibit 600-48 was received in evidence.)

1 THE COURT: Do you agree to Government's 600-49 through
2 -52?

3 MR. ROUTH: Yes, Your Honor.

4 THE COURT: Okay. Those four exhibits will be admitted
5 without objection.

6 (Government Exhibits 600-49, 600-50, 600-51, 600-52 were
7 received in evidence.)

8 THE COURT: And then finally on this page, Government's
9 600-72?

10 MR. ROUTH: Yes.

11 THE COURT: okay. 600-72 will come in as well without
12 objection.

13 (Government Exhibit 600-72 was received in evidence.)

14 THE COURT: So now we're looking at page 20.

15 Mr. Routh.

16 MR. ROUTH: No objections.

17 THE COURT: Okay. Government's 600-80; are you
18 agreeing to that?

19 MR. ROUTH: Yes.

20 THE COURT: Government's 600-80 will be admitted
21 without objection.

22 (Government Exhibit 600-80 was received in evidence.)

23 THE COURT: Do you also agree, Mr. Routh, to admission
24 of Government's 600-81 and -82?

25 MR. ROUTH: Yes.

1 THE COURT: Okay. Those two will be admitted without
2 objection.

3 (Government Exhibits 600-81 and 600-82 were received in
4 evidence.)

5 THE COURT: Do you agree, Mr. Routh, to admission of
6 Government's 600-84?

7 MR. ROUTH: Yes.

8 THE COURT: All right. That exhibit will be admitted
9 without objection.

10 (Government Exhibit 600-84 was received in evidence.)

11 THE COURT: Do you agree, Mr. Routh, to admission of
12 Government's 600-86?

13 MR. ROUTH: Yes.

14 THE COURT: Okay. Same admission without objection.

15 (Government Exhibit 600-86 was received in evidence.)

16 THE COURT: And Government's 600-88?

17 MR. ROUTH: Yes.

18 THE COURT: Okay. 600-88 will be admitted without
19 objection.

20 (Government Exhibit 600-88 was received in evidence.)

21 THE COURT: Now, do you have an objection to
22 Government's 600-95?

23 MR. ROUTH: No.

24 THE COURT: That will be admitted without objection.

25 (Government Exhibit 600-95 was received in evidence.)

1 THE COURT: Government's 600-96?

2 MR. ROUTH: Yes. No problem.

3 THE COURT: okay. Do you have an objection to
4 Government's 600-96?

5 MR. ROUTH: No objection. No objection.

6 THE COURT: Government's 600-96, then, will be admitted
7 without objection.

8 (Government Exhibit 600-96 was received in evidence.)

9 THE COURT: okay. What is your position, Mr. Routh, on
10 Government's 600-128?

11 MR. ROUTH: No objection.

12 THE COURT: okay. 600-128 will be admitted without
13 objection.

14 (Government Exhibit 600-128 was received in evidence.)

15 THE COURT: we're about two-thirds in. Let's now look
16 at page 21. Do you have an objection to Government's 600-141?

17 MR. ROUTH: No.

18 THE COURT: Government's 600-141 will be admitted
19 without objection.

20 (Government Exhibit 600-141 was received in evidence.)

21 THE COURT: Do you have an objection to
22 Government's 600-147?

23 MR. ROUTH: No.

24 THE COURT: Government's 600-147 will be admitted
25 without objection.

1 (Government Exhibit 600-147 was received in evidence.)

2 THE COURT: Do you have an objection, Mr. Routh,
3 turning to the next page, to Government's 600-155?

4 MR. ROUTH: Not at all. No objection.

5 THE COURT: Government's 600-155 will come in without
6 objection.

7 (Government Exhibit 600-155 was received in evidence.)

8 THE COURT: Do you have an objection, Mr. Routh, to
9 Government's 600-161?

10 MR. ROUTH: No.

11 THE COURT: Okay. Government's 600-161 will be
12 admitted without objection.

13 (Government Exhibit 600-161 was received in evidence.)

14 THE COURT: Now, do you have an objection to
15 Government's 600-180A through D?

16 MR. ROUTH: No. No objection.

17 THE COURT: Okay. Those four photographs will come in
18 without objection.

19 (Government Exhibits 600-180A-D were received in
20 evidence.)

21 THE COURT: Okay. Page 23 has everything highlighted
22 except for one. What is your position on these?

23 MR. ROUTH: Yeah, they're all good. They're all fine.

24 THE COURT: So you're agreeing to admission of all of
25 them?

1 MR. ROUTH: Yes. Yes, Your Honor.

2 THE COURT: Okay. Do you want me to individually go
3 through them with you, or you're okay that I admit them in
4 bulk?

5 MR. ROUTH: Admit them in bulk.

6 THE COURT: Okay. Government's 600-183, -184, -185,
7 -186, -187, -188, -189, -190, -191, -192, -193, and 708, are
8 all admitted without objection.

9 (Government Exhibits 600-183 - 600-193, 600-708 were
10 received in evidence.)

11 THE COURT: All right. Mr. Routh, same exercise.
12 we're now on page 24. Everything is highlighted except the
13 first two.

14 MR. ROUTH: Yeah. Yeah, go in bulk. All good.

15 THE COURT: So you're agreeing to admission to all of
16 the highlighted exhibits on this page 24?

17 MR. ROUTH: Yes, Your Honor.

18 THE COURT: Okay. Government's Exhibits 714
19 through 720 are admitted without objection.

20 (Government Exhibits 714-720 were received in evidence.)

21 THE COURT: Government's 721, 723, 724, 725, 726, 727,
22 and 728 are also all admitted without objection.

23 (Government Exhibits 721-728 were received in evidence.)

24 THE COURT: Okay. Looking at page 25, Mr. Routh.

25 MR. ROUTH: Everything except for the first one --

1 THE COURT: So --

2 MR. ROUTH: -- GX729.

3 THE COURT: Okay. So we're not going to rule on GX729.

4 Let me ask you, do you agree to GX730?

5 MR. ROUTH: Yes.

6 THE COURT: 730 will be admitted without objection.

7 (Government Exhibit 730 was received in evidence.)

8 THE COURT: Do you agree to Government's 733?

9 MR. ROUTH: Yes.

10 THE COURT: That exhibit will be admitted without
11 objection.

12 (Government Exhibit 733 was received in evidence.)

13 THE COURT: Do you agree to Government's 739, 740, 741,
14 and 743?

15 MR. ROUTH: Yes, Your Honor.

16 THE COURT: Okay. Those four will be admitted without
17 objection.

18 (Government Exhibits 739-741, 743 were received in
19 evidence.)

20 THE COURT: We're now on page 26. What is your
21 position on this page?

22 MR. ROUTH: All good. Everything is fine.

23 THE COURT: Okay. Do you agree to admission of
24 Government's 745, 746, and 747?

25 MR. ROUTH: Yes.

1 THE COURT: okay. All three will be admitted without
2 objection.

3 (Government Exhibits 745-747 were received in evidence.)

4 THE COURT: Do you agree to Government's 753, 754, and
5 755?

6 MR. ROUTH: Yes.

7 THE COURT: Those three will be admitted without
8 objection.

9 (Government Exhibits 753-755 were received in evidence.)

10 THE COURT: Do you agree to Government's 900?

11 MR. ROUTH: Yes.

12 THE COURT: And do you agree to Government's 907?

13 MR. ROUTH: Yes.

14 THE COURT: Those two exhibits, 900 and 907, will be
15 admitted without objection.

16 (Government Exhibits 900 and 907 were received in
17 evidence.)

18 THE COURT: okay. Looking at page 27, Mr. Routh.

19 MR. ROUTH: Yes. I have no objections to anything else
20 in the entire document.

21 THE COURT: Do you need more time to consider the
22 remaining pages?

23 MR. ROUTH: No.

24 THE COURT: All right. We will go one by one, but we
25 will try to speed this up.

1 Government's 908, 909, and 911 are admitted without
2 objection. Is that your desire, Mr. Routh?

3 MR. ROUTH: Yes, Your Honor.

4 (Government Exhibits 908, 909, and 911 were received in
5 evidence.)

6 THE COURT: Government's 915A and B, plus 916, 917,
7 918, 920, 921, 922, 923, 925, 926, and 927; do you agree to all
8 of those exhibits?

9 MR. ROUTH: Yes, Your Honor.

10 THE COURT: Okay. They will be admitted without
11 objection.

12 (Government Exhibits 915A and B, 916-918, 920-923,
13 925-927 were received in evidence.)

14 THE COURT: Do you agree to admission of
15 Government's 941, 942, 943, and 944?

16 MR. ROUTH: Yes, Your Honor.

17 THE COURT: Those four will be admitted without
18 objection.

19 (Government Exhibits 941-944 were received in evidence.)

20 THE COURT: Do you agree to Government's 949 and 950?

21 MR. ROUTH: Yes.

22 THE COURT: Those will be admitted without objection.

23 (Government Exhibits 949-950 were received in evidence.)

24 THE COURT: Do you agree to Government's 1100, 1101,
25 1102, 1103, 1104, 1105, 1106, and 1108?

1 MR. ROUTH: Yes, Your Honor.

2 THE COURT: okay. All of those will be admitted
3 without objection.

4 (Government Exhibits 1100-1106, 1108 were received in
5 evidence.)

6 THE COURT: Am I correct, Mr. Routh, that you agree to
7 admission of Government's 1109, all the way through
8 Government's 1121, continuously?

9 MR. ROUTH: Yes.

10 THE COURT: okay. So 1109, 1110, 1111, 1112, 1113,
11 1114, 1115, 1116, 1117, 1118, 1119, 1120, and -121, all will be
12 admitted without objection.

13 (Government Exhibits 1109-1121 were received in
14 evidence.)

15 THE COURT: Mr. Routh, do you agree to admission of
16 Government's 1123, 1124, 1125, 1126, 1127, and 1128?

17 MR. ROUTH: Yes, Your Honor.

18 THE COURT: okay. All of those exhibits will be
19 admitted without objection.

20 (Government Exhibits 1123-1128 were received in
21 evidence.)

22 THE COURT: we have one more page. Am I correct,
23 Mr. Routh, that you're agreeing to preadmission of the
24 following exhibits: Government's 1129, 1130, 1132, 1135, 1136,
25 1138, and 1140?

1 MR. ROUTH: Yes, Your Honor.

2 THE COURT: Okay. Those exhibits will be admitted
3 without objection.

4 (Government Exhibits 1129, 1130, 1132, 1135, 1136, 1138,
5 and 1140 were received in evidence.)

6 THE COURT: And, finally, there is Government's 1300;
7 do you agree to that exhibit too.

8 MR. ROUTH: Again, I would like to have the entire
9 conversation. So if we could get the entire conversation. I
10 mean, just extracting one sentence --

11 THE COURT: Okay. So we're going to table
12 Government's 1300.

13 MR. ROUTH: Yeah. You had already excluded the last
14 part of that sentence. But, you know, the before and after,
15 this is a conversation in Ukraine talking about war. So,
16 you know...

17 THE COURT: Okay. We're not going to address
18 Government's 1300.

19 MR. ROUTH: All right.

20 THE COURT: All right. That concludes the preadmission
21 of uncontested exhibits. So let's -- let's shift gears to
22 address any other evidentiary items.

23 Mr. Shipley.

24 MR. SHIPLEY: Your Honor, just for clarity, we're
25 trying to keep our notes here, and apologies if I'm stating

1 something that was indicated on the record. But just for
2 clarity, Government Exhibits 200-20, 200-32, and 200-102 have
3 no objection from the defense, and were among our request to
4 pre-admit. So just for clarity, those should also be on the
5 list, according to our notes. And apologies if the Court said
6 them. We just may have missed those on the record.

7 THE COURT: Okay. Mr. Routh, we have to go back now.
8 This is page 8.

9 MR. ROUTH: All right.

10 THE COURT: Do you have an objection to
11 Government's 200-20? This is "Photo of Hide" entry.

12 MR. ROUTH: No objection.

13 THE COURT: Okay. 200-20 will be admitted without
14 objection.

15 (Government Exhibit 200-20 was received in evidence.)

16 THE COURT: Do you have an objection, Mr. Routh, to
17 200-32? This is described as "Photo inside of Hide."

18 MR. ROUTH: No objection.

19 THE COURT: 200-32 will be admitted without objection.

20 (Government Exhibit 200-32 was received in evidence.)

21 THE COURT: And finally, Mr. Routh, do you have an
22 objection to Government's 200-102? This is described as "metal
23 Vienna sausage can and lid found in hide."

24 MR. ROUTH: No objection.

25 THE COURT: Okay. Government's 200-102 will be

1 admitted without objection.

2 (Government Exhibit 200-102 was received in evidence.)

3 THE COURT: Anything further, Mr. Shipley?

4 MR. SHIPLEY: Your Honor, just for clarity. On
5 Government Exhibit 1300, the Court already ruled that that's --
6 that portion is admitted, and that's the portion that's on the
7 exhibit list. That's in Your Honor's ruling.

8 THE COURT: Okay. All prior rulings will remain in
9 effect, but I'm not going to be preadmitting any exhibits
10 beyond those I have pre-admitted today. And you can re-raise
11 the Court's prior order on anything we haven't touched upon
12 today.

13 All right. Okay. Any additional evidentiary items,
14 Mr. Shipley, you wish to raise, having reviewed the defense
15 witness list?

16 MR. BROWNE: Your Honor, if I may address that part of
17 things?

18 THE COURT: Yes.

19 MR. BROWNE: Your Honor, I think it makes sense to
20 start -- first and foremost, does the Court have a copy of the
21 defense witness list of two pages that lists 24 different
22 witnesses?

23 THE COURT: Yes.

24 MR. BROWNE: Okay. Perfect. So I would like to start
25 with docket entry 242. According to that order, the defendant

1 previously provided nine proposed trial subpoenas to the Court;
2 that's nine subpoenas. And the Court only authorized four of
3 those witnesses. And those were Oran Routh, who does appear on
4 the proposed witness list; Rick Zuniga, Atwill -- excuse me,
5 Atwill Milsun, and Marshall Hinshaw. The Court separately
6 authorized the defendant to call as an expert witness,
7 Michael McClay, at docket entry number 256.

8 So in our view, Judge, those are the only five
9 witnesses that the Court has authorized the defense to call in
10 this case. What remains on the witness list are, by my count,
11 19 individuals who the defendant --

12 THE COURT: well, those are the individuals for which
13 he sought a Rule 17(b) subpoena. I don't know if that was sort
14 of an ultimate conclusion as to any potential defense witness
15 to be called. But I take your point that the Rule 17s were
16 limited in the way you say.

17 MR. BROWNE: That's right. And Your Honor afforded the
18 defendant, you know, an opportunity to ask for those subpoenas.
19 Your Honor afforded that opportunity months after the deadline
20 had passed. And more notably is that the Court has ruled that
21 witnesses Reid Burton Smith, John Hatfield Jr., Angel Katona,
22 and Tommy Perkins shall not be subpoenaed. And they all appear
23 on this witness list.

24 THE COURT: That's correct.

25 MR. BROWNE: So if it's not clear if the

1 defendant -- I'm not sure if the defendant knew that the Court
2 had already ruled to exclude that testimony when he put this
3 witness list together, but it's clear that this list is not, as
4 the Court had inquired earlier, in line with Your Honor's
5 rulings. So I would just note that, again, witnesses 4, 5, 6,
6 and 10 were already precluded from testifying, as were
7 witnesses 2 and 3 --

8 THE COURT: okay.

9 MR. BROWNE: -- Doctors Holmes and Dr. Buigas.

10 And, again, that was an order that Your Honor issued at
11 docket entry 249, which precludes the defendant from calling
12 them or from subpoenaing them or from paying for their travel.
13 So I think that it's very clear that this witness has either
14 disregarded or is in no way in line with what the Court has
15 already ruled.

16 THE COURT: okay. So what about the other folks?

17 MR. BROWNE: As best we can tell, Your Honor, this is
18 a -- there is about 12 remaining witnesses. They include what
19 appear to be professors at Harvard and Yale; high-profile
20 pro-Palestinian protesters who have been in the news; authors
21 of books that the defendant has read at some point; an apparent
22 former romantic partner. And I would draw the Court's
23 attention to witness number 24, and the description
24 specifically for which the defendant intends to call that
25 witness. And it also includes the President of the

1 United States.

2 THE COURT: Okay. All right. Mr. Routh, do you have a
3 copy of your list?

4 MR. ROUTH: Not at hand, no, but I'm fully aware.

5 THE COURT: Ms. Militello, can you provide, please, for
6 him a list of his listed witnesses.

7 All right. So this is your chance, Mr. Routh, to
8 explain why --

9 MR. ROUTH: Yes, this --

10 THE COURT: Well, before you get there -- I'm sorry.
11 Let me just -- let me emphasize the Court's prior rulings.

12 As Mr. Browne has accurately described, you in the past
13 asked for nine character witnesses.

14 MR. ROUTH: Yes.

15 THE COURT: I authorized four, subject to any
16 objections. So of the folks that you listed in that first
17 batch -- and I concluded there was no basis to permit them --
18 you have them here still listed, but you do understand I
19 already made a ruling on those; correct?

20 MR. ROUTH: Yes, fully -- fully aware. Yeah. This was
21 started prior. So, yes, yes. This is a -- this is an ongoing
22 list, so...

23 THE COURT: Okay. So there won't be any
24 reconsideration of the Court's prior order on that basis.

25 MR. ROUTH: Yeah. Yeah.

1 THE COURT: You can keep them here perhaps for
2 preservation purposes, but those folks that have already been
3 deemed entirely irrelevant won't be added into the mix.

4 Okay.

5 MR. ROUTH: Yes.

6 THE COURT: Now, as far as the two doctors, there has
7 been a separate order on those, and those won't be permitted
8 either for all the reasons already stated.

9 Okay. And then you do have your expert, Mr. McClay,
10 who remains a permissible witness, again subject to any
11 objections in line with the Court's prior orders.

12 So getting all of that out of the way, let's just
13 discuss the folks that are entirely new that you've never
14 mentioned before, and these --

15 MR. ROUTH: Right. If I could just say --

16 THE COURT: -- appear to start maybe at number 15. You
17 have a series of university, Palestinian, political science
18 professors and other -- other academics.

19 MR. ROUTH: Yes. I mean, I mailed -- I mailed a letter
20 with the subpoenas for the rest of these individuals. I'm
21 assuming you didn't receive that.

22 THE COURT: Correct.

23 MR. ROUTH: So, okay. Okay. So, yeah, the first
24 three, you know, based on our last meeting --

25 THE COURT: who are you talking about now?

1 MR. ROUTH: well, I'm talking about 13, 14, and 15.

2 THE COURT: okay. So this is John Sayles, a
3 mechanic/coworker --

4 MR. ROUTH: Yeah, yeah.

5 THE COURT: -- Raymond Carrea, a neighbor and friend;
6 and Sara Roy, Harvard, a political science -- maybe professor?

7 MR. ROUTH: well, I -- I misspoke. But 11 -- 11, 13,
8 and 14. Though you -- you had indicated that you wanted more
9 current individuals that I had worked with on a daily basis
10 up -- up until the event. So I included all of my -- all of my
11 workers in Hawaii. So assuming that was more the thread of
12 where you wanted to go as far as having --

13 THE COURT: well, this is not me wanting to go
14 anywhere, to be clear. I'm just addressing whatever motion you
15 put before me.

16 MR. ROUTH: Right.

17 THE COURT: And so for the other folks, you had
18 indicated you wanted them to testify. I inquired, and I
19 ultimately concluded that the basis provided was insufficient
20 under the rule.

21 MR. ROUTH: Right.

22 THE COURT: So I wasn't inviting any more subpoenas,
23 but if you sent them separately --

24 MR. ROUTH: Yes.

25 THE COURT: -- I don't know what the basis of those

1 subpoenas are, which is why, now, I'm now trying to inquire --

2 MR. ROUTH: Right.

3 THE COURT: -- what is the basis for any of these
4 additional people? It doesn't appear like they have any -- any
5 basis in fact connected to the -- to this case, except for
6 potentially the alleged victim.

7 MR. ROUTH: well, yeah, the alleged victim would be
8 great. But the three -- my three coworkers. Again, we get
9 back into the -- your ruling as far as peacefulness and
10 nonviolent and -- and -- and going into that -- that realm that
11 you specified in your ruling to say, you know, the -- to get
12 into the -- to the vital character traits, you know? So
13 that's -- that's where we were going. So you wanted people
14 that had worked with me, you know, up to the last minute, that
15 know who I am that can speak to the gentleness and nonviolence
16 and not dangerous.

17 So that was -- that was what I was trying to give you.
18 So, you know, trying to fulfill that need. So I'm sorry you
19 didn't get the mail. It's -- I mailed it, you know, a day or
20 two after our last hearing. So I'm surprised it did not -- it
21 did not get to you.

22 THE COURT: All right. Let me ask you something. What
23 is the proposed testimony you see coming from Sara Roy at
24 Harvard?

25 MR. ROUTH: well, I -- I -- I'm unclear on whether

1 you've ruled on justification. Did you rule on number 5, on
2 motions in limine as far as justification?

3 THE COURT: There is already -- okay. We're not -- you
4 have to have an understanding of the Court's orders. And this
5 isn't a Q and A where you ask me what I have ruled upon. Let
6 me ask you just straight -- you --

7 MR. ROUTH: Well, my understanding is that you haven't.
8 You haven't.

9 THE COURT: No, no, no. Sir -- sir, what is the basis
10 of Sara Roy? Why do you think she should testify?

11 MR. ROUTH: Because justification. If you are saying
12 justification is allowable, then all these people --

13 THE COURT: What is she -- who is she, number 1? And
14 what is she planning on saying, in your mind?

15 MR. ROUTH: Justification is about justification, of
16 about -- about justifying this act. So justification is
17 justification; is it not?

18 THE COURT: Okay. So you're saying there is a
19 professor at Harvard that's going to say you acted justifiably?

20 MR. ROUTH: Yes.

21 THE COURT: All right. Is that the same logic that
22 you're employing for Mosab Abu Toha at Harvard?

23 MR. ROUTH: Yes. All the remaining, until you get down
24 to that guy named Donald J. Trump.

25 THE COURT: So all the professors, you're telling me

1 today you've listed them here because you want them to help you
2 assert a justification defense?

3 MR. ROUTH: Yes, Your Honor.

4 THE COURT: Okay. What is the basis of your last
5 individual listed here? It's a female, and there is some
6 fairly profane description here regarding sexual acts.

7 MR. ROUTH: Again, and in your order where you're
8 speaking about gentleness as far as -- you know, you're saying
9 a pertinent trait. So, you know, based on what you sent out
10 this week, you were asking about pertinent traits. The
11 defendant's peacefulness, gentleness, are nonviolent clearly as
12 a pertinent trait. So, you know, given the fact that you were
13 requesting that I prove gentleness and peacefulness. I mean,
14 this is --

15 THE COURT: To be very clear, sir, I'm not requesting
16 that you prove anything. That's --

17 MR. ROUTH: Okay.

18 THE COURT: If you want to present any evidence, you
19 have to make the proffer, and it needs to clear the evidentiary
20 hurdles. So I'm not asking you for any evidence.

21 MR. ROUTH: Right. But I'm -- I'm presenting the
22 evidence which is being demanded by the Court. So, that is --
23 that is -- that is --

24 THE COURT: No. There has been no evidentiary demand
25 by the Court. I want to be very clear. I'm not demanding

1 anything.

2 MR. ROUTH: well, however you want to slice it, but
3 anyway. Yes, this is --

4 THE COURT: okay.

5 MR. ROUTH: Yes, this is --

6 THE COURT: So with Ms. XXXXXXXXXXXXXXXXXXXX -- no, I
7 speak.

8 Ms. XXXXXXXXXXXXXXXXXXXX --

9 MR. ROUTH: Yes.

10 THE COURT: -- you want to have her come testify, to
11 talk about a sexual romantic incident with you?

12 MR. ROUTH: Certainly. You know, this was
13 nonviolent --

14 THE COURT: okay. All right. That is clearly absurd.

15 MR. ROUTH: okay.

16 THE COURT: And Ms. XXXXXXXXXXXXXXXXXXXX will not be
17 permitted, nor will any of these professors --

18 MR. ROUTH: okay.

19 THE COURT: -- because they're not relevant to this
20 case, and they clearly exceed the Court's order prohibiting a
21 justification defense which was already ruled upon in a prior
22 written order.

23 So that leaves -- Mr. Browne, can you winnow this down
24 for us? What is left?

25 MR. BROWNE: As I read it, the Court has not addressed

1 these three character witnesses, Tamura, Sayles, and Carrea,
2 because the defendant has to date provided no basis for their
3 testimony. But according to -- taking those aside, I believe
4 the only ones remaining are the Secret Service agent, whom I
5 can represent the government intends to call, and the
6 President.

7 And, again, the defendant has, until this morning, made
8 absolutely no efforts to bring those people into court.

9 THE COURT: Okay. Let's talk about, Mr. Routh, Tamura,
10 Sayles, and Carrea. We're going to do this one by one.

11 MR. ROUTH: Okay.

12 THE COURT: who is John Tamura, and why do you think he
13 is relevant to this case?

14 MR. ROUTH: He is my long-term worker. He worked for
15 me for two years in Hawaii, side by side, every day all day
16 long. So, you know, he knows me better than -- better than
17 anybody. So, again, going back to current and recent and,
18 you know, speaking to gentleness and nonviolent and all of
19 that, he is -- we spent 12, 14 hours a day together, so...

20 THE COURT: Okay. What about Mr. Sayles?

21 MR. ROUTH: Same as well. He is my mechanic and
22 coworker. And he did not spend every single day, but every --
23 you know, two days a week. So he knows firsthand my
24 personality and my gentleness and my kindness and nonviolent
25 nature.

1 THE COURT: Okay. And then finally --

2 MR. ROUTH: Raymond?

3 THE COURT: Raymond Carrea, who is he?

4 MR. ROUTH: He is my neighbor. So, again, he and I
5 worked together. We built the dock at Kahana and put in a
6 swimming pool. And he is a mechanic also and works on my
7 vehicles and --

8 THE COURT: Okay. All right. So the Court has
9 authorized you to call, or at least, to issue subpoenas for
10 four character witnesses subject to Rule 405(a), of course. In
11 light of that ruling, why do you need these additional
12 individuals?

13 MR. ROUTH: Well, you know, again, our whole argument
14 is about intent and the gentleness and the nonviolent. So,
15 you know, if -- just trying to get a well-rounded picture of
16 the whole situation. So, you know, trying to give the jury so
17 they can get to the truth. So that's what we're trying to
18 achieve here, is trying to -- trying to get to the -- to the
19 truth as far as, you know, was there any intent? So, you know,
20 would this person actually be able to do this? You know,
21 that's the whole -- the whole crux of the argument is this,
22 whether or not this individual could ever even pull a trigger,
23 so...

24 THE COURT: Okay. Mr. Browne, do you have any argument
25 for -- in response to this cumulative request for additional

1 character witnesses?

2 MR. BROWNE: I think that's precisely it. This is
3 cumulative and entirely duplicative of the other individuals
4 that this Court has subpoenaed on Mr. Routh's behalf, who,
5 frankly, had apparently known the defendant for a much longer
6 period of time. And there also seems to be a real
7 misunderstanding as far as what these three witnesses could
8 say, right? They cannot offer an opinion on intent. They
9 could not offer any opinion on what the defendant's intent was
10 with respect to this offense.

11 And based on an overview of the case, this defendant
12 was not candid with anybody about why he was in Florida or what
13 he was up to for the month leading up to this crime. I can
14 assure the Court that they have nothing to say about that
15 because he has not been candid with anyone about this.

16 So to the extent these are additional character
17 witnesses, it doesn't seem necessary in light of the four
18 character witnesses that this defendant already has lined up to
19 say that he is purportedly a peaceful, nonviolent, and gentle
20 person based on his reputation or their opinion of that
21 reputation.

22 THE COURT: Okay. I think I have heard enough on the
23 defense witnesses. I will issue a ruling that comports with
24 what I have said today and also accords with the Court's prior
25 orders.

1 I have not received, Mr. Routh, any additional motions
2 for Rule 17(b) subpoenas, and obviously you had a full
3 opportunity to do so at the last hearing, and I heard you out
4 fully on those issues and then proceeded to issue a lengthy
5 order. So to the extent you're trying to expand the pool now
6 beyond that set of witnesses, it seems untimely, to say the
7 least.

8 All right. Let's shift now and discuss the two motions
9 that were filed before we broke for lunch. The first of these
10 is 262. This is a motion to exclude -- it's titled "Motion to
11 Exclude Prosecution's Latest Evidence and Support."

12 Mr. Routh, can you explain the basis of this motion?

13 MR. ROUTH: well, I haven't even received the document,
14 you know, the -- the four items that they wanted to admit into
15 evidence. So, you know, it's -- it's so recent that I haven't
16 even received the paperwork. So -- I had somebody read it to
17 me, so -- but, you know, it's just some -- the video from
18 the gas station and some other -- and three other items. So
19 they're just brand-new. I mean, it's been a year. How -- how
20 are we -- is there not a deadline on producing evidence?

21 THE COURT: okay. So this was addressed. The Court
22 asked the government to supplement its thirteenth response to
23 the standard discovery order, and they complied with that order
24 and explained that they're not seeking to introduce any of that
25 additional evidence in their case in chief. They did make

1 mention of some illustrative aids to be admitted for
2 demonstrative purposes only.

3 So, yes, Mr. Routh, there was a deadline of May 23 to
4 disclose any case-in-chief discovery. But as far as I can tell
5 from the submission by the United States, there has been no
6 violation of that because all of the new items addressed in the
7 thirteenth response are not part of the government's case in
8 chief. Do you follow what I have indicated?

9 MR. ROUTH: Sure.

10 THE COURT: Okay. So do you still have an objection to
11 what's reflected in that thirteenth response?

12 MR. ROUTH: So it's not going to be part of their case
13 in chief?

14 THE COURT: That's what the government has represented.

15 But Mr. Browne or Mr. Shipley, is that still the
16 case -- or Ms. Medetis?

17 MS. MEDETIS: Your Honor, if I may. Let me start by
18 saying it's a bit ironic with respect to the defendant's
19 argument that new information has been dropped on him, since he
20 has provided 33 exhibits that have never been previously
21 produced. I want to lay that record.

22 But the Court is correct, with the exception of those
23 illustrative aids, the government does not intend to introduce
24 in its case in chief any of the materials that were produced
25 most recently.

1 I do, however, want to correct the record, Your Honor,
2 and this was an oversight on my part. In docket entry 253,
3 where we outlined what was produced in discovery, I did miss
4 that there were records that were obtained by trial subpoena of
5 Mr. McClay's personnel file from the -- from PBSO, Palm Beach
6 Sheriff's Office, but, again, these are not items that we would
7 be using in our case in chief. The only items are those
8 illustrative exhibits that we detailed in our supplement.

9 THE COURT: Okay, then. Based on the current state of
10 affairs, the motion to exclude prosecution's latest evidence
11 will be denied, and I will enter a brief order to that effect.

12 So that leaves one additional motion that you've
13 presented today, Mr. Routh, and that's a motion to introduce
14 three letters. This is docket entry 261.

15 Let me first ask the United States. Is there any
16 intent on the part of the government to introduce the two
17 additional letters? One is called, by Mr. Routh, the, quote,
18 "for" letter," and the other one is described as the "what do
19 we as a world need to fix" letter.

20 MR. SHIPLEY: Not at present, Your Honor, no.

21 THE COURT: So what is the government's position on
22 Mr. Routh's request to introduce those two letters?

23 MR. SHIPLEY: Your Honor, there are a couple of
24 concerns with the motion. First of all, as the Court has
25 already signalled, it is untimely. This is an issue that could

1 have and should have been raised either as a pretrial motion in
2 April, or in the motion in limine deadline beginning of July,
3 as we did with respect to the limited portion of the
4 "Dear World" letter. So there is no basis for a motion on this
5 subject at this time. If the defense wanted these admitted,
6 the opportunity to raise that was -- was earlier.

7 Secondly, Your Honor, as the Court has already set
8 forth in docket entry 252, which is the ruling on the motion in
9 limine, statements of a defendant, when offered by the
10 defendant, are presumptively hearsay. It is his burden to
11 articulate an objection under the hearsay rules and under the
12 rules of evidence that would allow that to be admitted. This
13 motion doesn't do any of that. It's just a further
14 dissertation on his view of character and how that fits into
15 the case. So he doesn't meet the standards of your order or
16 the law.

17 In addition, as we signaled in our motion in limine
18 about these -- this topic, generally, of the defendant's
19 statements, most of the contents of these things either fall on
20 the line of the justification arguments, which the Court has
21 rejected, or to victim blaming, which the Court has also
22 rejected in clear orders. Again, the motion takes no account
23 of any of those rulings that the Court has made.

24 So for all of those reasons, among others, those
25 motions should be denied.

1 THE COURT: Okay. Let me just turn to Mr. Routh.
2 we're not going to talk about the "Dear world" letter yet.
3 Now, I'm just interested in your position on these two other
4 letters. You understand they're hearsay. Under the Federal
5 Rules of Evidence, I see nothing here that would authorize
6 introduction of those hearsay statements. So what would be the
7 legal basis under the Federal Rules of Evidence, Mr. Routh, for
8 admitting those two letters?

9 MR. ROUTH: well, again, you know, getting back -- I'm
10 not sure if they're -- they had initially said they were going
11 to introduce the envelope and use the envelope but not the
12 contents, is what they initially said. And obviously, I'm
13 coming in after the deadline. I had counsel prior. So I'm --
14 I'm new to this game.

15 But, again, you know, just the -- getting back to this
16 is a -- a recent item that is, you know, like, within hours,
17 and it speaks directly to the peaceful and nonviolent and --
18 and all of these items that we were discussing. I mean, this
19 is -- I mean, how much -- how much more fresh can you get as
20 far as -- as gentleness and nonviolent as -- as the words that
21 are in this -- in those -- those notes? So, I mean, I don't
22 know what -- what -- what is more valid? I mean,
23 what -- what -- I'm not sure how -- how good can it get? I
24 mean, you want to edit out -- edit out everything? I mean,
25 you know, I think we pretty much figured out the --

1 THE COURT: okay. All right. Thank you.

2 MR. ROUTH: -- CBS story where you can't edit
3 everything. I mean --

4 THE COURT: okay. Okay. Thank you.

5 And these are letters that you wrote, sir?

6 MR. ROUTH: well, they were -- they are purporting that
7 I wrote. So they -- they -- they -- they're purporting that I
8 did.

9 THE COURT: well, they're not trying to use them, to be
10 clear.

11 MR. ROUTH: okay.

12 THE COURT: So I'm just asking, these two letters that
13 we're talking about now, the "for" letter and the "what do we
14 do as a world need to fix" [sic] letter, did you write those
15 letters?

16 MR. ROUTH: Yes. They -- they fall under -- under,
17 yes.

18 THE COURT: And you're seeking to introduce them in
19 your case?

20 MR. ROUTH: Yes.

21 THE COURT: okay. All right. well, then there has
22 been no exception to the hearsay rule that's been provided.
23 There is a general argument about relevance, but that's not
24 enough to solve the hearsay problem. So those two letters at
25 this point won't be admitted because they're not being offered

1 by the government. If something changes on that front, then
2 you're welcome to bring this up again, Mr. Routh.

3 So that leaves just the "Dear World" letter. We've
4 covered this already, I think, sufficiently. But it sounds
5 like now you're identifying specific portions of the letter
6 that you think need to be introduced; is that right?

7 MR. ROUTH: well, most certainly at page 12 -- I mean,
8 you can't take page 1 and not take page 12, I mean, at bare
9 minimum. I mean, because they're purporting that this letter
10 pertains to the golf course when it plainly states on the last
11 page that it pertains to the airport and his -- and his
12 airplane.

13 So, I mean, you can't take page 1 and not take page 12,
14 you know. I mean, that's just ludicrous. So -- so, I mean,
15 you know, it's -- plainly states --

16 THE COURT: All right.

17 MR. ROUTH: -- to shred his airplane.

18 THE COURT: Okay. Is there anything on page 12 that
19 must be introduced to make sense of page 1?

20 MR. ROUTH: Yes, that sentence. Yes.

21 THE COURT: So you're saying there is a reference to
22 shredding an airplane and that, in your position, that's
23 necessary to explain the first page?

24 MR. ROUTH: Exactly. Exactly.

25 THE COURT: okay.

1 MR. ROUTH: Exactly. I mean, that's --

2 THE COURT: Let me hear from the government on this.

3 MR. SHIPLEY: Your Honor, again, as we've argued, we've
4 only intended to introduce, actually, not the whole first page,
5 which is the one topic we wanted to address with the Court, but
6 the first three sentences of the -- of the "Dear world" letter.
7 It is not at present our intent to introduce anything else.

8 I would appreciate clarity as to what exactly the
9 defendant is both proposing to introduce from page 12 and how
10 that is relevant to any defense that we -- might be put forth
11 here.

12 I take it from what he is saying that he's -- his
13 desire is to present to the jury an argument that this letter
14 admits a prior assassination attempt on Donald Trump by
15 shredding his airplane. If that's the landscape that we're
16 going forward, we may have to have a discussion on counsel
17 table about how we want to proceed with regard to that last
18 line, if that's what he is talking about, if I'm understanding
19 that correctly. So that's one piece of the issue.

20 But otherwise, at least before we heard the
21 representation that I take as an acknowledgement of a prior
22 assassination attempt, that was not our intent, to introduce
23 any portion of the letter other than the first three sentences.

24 And on that topic, Your Honor, the Court in its motion
25 in limine order granted our motion and granted our request.

1 And the reasoning of it comports with what our request had
2 been, which was for the first three lines, not for the entirety
3 of page 1.

4 From our side of things, we saw a pretty clear break
5 between those first three sentences and then the victim blaming
6 and the irrelevant material that the Court we think properly
7 identified in the remainder of the letter.

8 THE COURT: Okay. So you want -- you want a
9 clarification that your request to admit the "Dear World"
10 letter is limited to the first three lines of page 1?

11 MR. SHIPLEY: It is. And maybe we should have aided
12 the Court by giving you not -- we gave you page 1 because that
13 what -- is what had been in the public record. So apologies on
14 this on my end if I didn't give the Court a copy of the
15 document. But I have a copy of exactly what we would be
16 seeking to use, which is simply the first three -- excuse me --
17 first three sentences. I'm sorry. I've said "sentences."
18 Other times I've said "lines." Let me be clear -- and I can
19 read that exactly into the record, Judge, if that helps.

20 THE COURT: It's three sentences?

21 MR. SHIPLEY: Yes.

22 THE COURT: Okay. All right.

23 MR. SHIPLEY: Lines -- it's not --

24 THE COURT: Let me ask you, Mr. Routh, can you be
25 precise? What exactly on page 12 -- just looking at it in

1 full, what portion do you think needs to be admitted?

2 MR. ROUTH: The fourth line where it says "to shred his
3 airplane."

4 THE COURT: So just the words "to shred his airplane,"
5 not a full sentence?

6 MR. ROUTH: I mean, that -- that covers it. I mean,
7 that -- that -- that's all you need to hear. So, I mean, you
8 can introduce the whole page. I mean, the bottom where it says
9 "the failure," I mean, that -- that also speaks to -- to intent
10 and all of the other character issues as well. So -- but, yes,
11 at least -- at least --

12 THE COURT: Final argument? Final argument on this?

13 MR. SHIPLEY: Your Honor, may we reserve, to the extent
14 the government's position is material to the Court's ruling on
15 this? We will get back to you within 24 hours on a position on
16 that. If that is the request, and in light of the defendant's
17 acknowledgement, which is a factual acknowledgement that he
18 wrote that letter -- so if that is the case, if the defendant
19 is stipulating, which he has refused to do up to this point,
20 that he wrote that letter, and he is seeking to admit those
21 four words or the end of that letter, I would ask you to allow
22 the government 24 hours to provide you a response on that
23 issue.

24 THE COURT: Okay. Let me just ask Mr. Routh. I
25 haven't granted that yet. Let me think about it for a minute.

1 Mr. Routh, other than the reference to shredding
2 airplanes or shredding his airplane, is there anything else in
3 this letter that you're asking to be admitted?

4 MR. ROUTH: well, as I mentioned in the motion,
5 you know -- you know, parts of it, again, are speaking to
6 gentleness and the character issue, but if you're not going to
7 go down that avenue -- but, again, just by virtue of saying,
8 "the failure," again, is speaking to, you know, no intent, I
9 mean. But, you know --

10 THE COURT: okay.

11 MR. ROUTH: -- if these gentlemen want to argue that
12 this pertains to the golf course, that -- those four lines
13 obviously show that this has nothing to do with a golf course.
14 So, you know, this -- this has nothing to do with this case.

15 THE COURT: okay. We're not going to make any rulings
16 on the remainder or portions of the remainder of the
17 "Dear world" letter.

18 Mr. Shipley, if you wish to file any sort of supplement
19 in connection with the "Dear world" letter, you may do so, and
20 that would be due by this Thursday, which is September 4th.

21 Okay. Anything further to address on the two motions
22 filed today, Mr. Routh? That's 261 and 262.

23 MR. ROUTH: No, Your Honor.

24 THE COURT: okay.

25 Okay. Any other substantive areas to address today,

1 Mr. Shipley or Mr. Browne or Ms. Medetis?

2 MR. BROWNE: Your Honor, just with respect to the
3 witness list. Again, just because of that one witness that the
4 defendant has purported is some kind of romantic partner, we
5 would ask that that be filed under seal just to preserve
6 decorum. We have no idea whether this defendant sought that
7 person's permission before making those allegations. We have
8 no idea if the defendant has spoken to that person about this.
9 It is deeply personal and profane and embarrassing. So we
10 would just ask that the proposed witness list be filed under
11 seal as opposed to on the docket.

12 THE COURT: We're not going to be doing the full
13 sealing of this item. Are you asking for a partial redaction
14 of that one line?

15 MR. BROWNE: Just the identity of the person,
16 Your Honor. That would be it. Just to preserve, you know, her
17 privacy.

18 THE COURT: Okay. Given the nature of what you wrote
19 in this docket, Mr. Routh, do you have any objection to
20 redacting the name listed there?

21 MR. ROUTH: No. That's wise. That's -- that -- that's
22 very wise, very -- very thoughtful.

23 THE COURT: Okay. All right. Well, then,
24 Ms. Militello, I'm going to ask that you file this witness list
25 publicly but redacting the name of that last witness. And

1 please do the -- do that by tomorrow.

2 okay. All right. Final opportunity to raise any
3 substantive issues before we commence on Monday.

4 Mr. Shipley.

5 MR. SHIPLEY: No, Your Honor. Before we broke, you
6 indicated maybe having a discussion about character evidence.
7 But candidly, the Court's ruling on that issue in the motion in
8 limine, we have gone back over it. It is crystal clear. It
9 will certainly come to a head, I think, even more so having
10 heard these discussions, but I don't know that we need to have
11 more substantive discussion about that unless the Court had
12 something in mind.

13 THE COURT: Okay. Mr. Routh, I remind you again that
14 you need to comply with all the court orders, and that
15 includes, of course, the order that very clearly explains the
16 prohibition on specific act evidence through your character
17 witnesses. So please make sure that you read all of those
18 orders, and keep that in mind as you plan to put on any
19 character-related evidence. Do you understand, sir?

20 MR. ROUTH: I will.

21 THE COURT: okay.

22 MR. SHIPLEY: Your Honor, I'm sorry. I did neglect one
23 thing again that the Court had flagged -- was the potential
24 impact of introducing even the limited type of opinion or
25 reputation evidence that he wants on the 404(b) rulings.

1 Again, I'm happy to take the Court's direction when you want to
2 address that. Certainly, we will be prepared to identify for
3 the Court those portions of the 404(b) ruling that are --
4 obviously, from our perspective, require completely different
5 ruling, should his character be put in issue that way. The
6 Rule 404(a) and 405 are completely clear about the ability of
7 the government to both cross-examine any character witnesses
8 about specific instances of conduct in a way the defendant
9 cannot introduce himself, and then also to put on rebuttal
10 witnesses about them.

11 So we're talking here the criminal history, the weapons
12 of mass destruction conviction, weapons of mass destruction
13 arrest, all of the prior gun incidents, a slew of things
14 culminating most recently in a letter that the defendant sent
15 to the International Criminal Court admitting that he is an
16 anti-Semite and asking Iran to drop a nuclear bomb on Israel.

17 This is what we are going to get into if the defendant
18 chooses to go down this path, Your Honor. So we can tackle
19 that on Monday or next week, if we have time, but that's where
20 we are going with this.

21 THE COURT: On the prior conviction for possession of a
22 weapon of mass destruction, I think there was some discussion
23 of this in the -- in the 404(b) hearing. But if you were
24 allowed to introduce that as a rebuttal to any character
25 witness, what would that consist of? Introduction of just the

1 certified judgment or actual evidence from a person with
2 knowledge?

3 MR. SHIPLEY: It would, at minimum, be the judgment,
4 but I think our expectation would be that it would be a witness
5 as well. Again, we sort of tabled this, I think, in our trial
6 preparation in view of the Court's order on this issue, not
7 expecting things to go the direction they had. But, yes, we
8 would have the opportunity under the rules to call a witness on
9 that topic as well, we believe.

10 THE COURT: Okay. Well, if the government wishes to
11 make preparations for a potential witness related to that prior
12 conviction, you are welcome to go ahead, but I won't be making
13 any rulings on that because the extent of the character
14 evidence is still unclear to me at this point.

15 with respect to the gun possession incidents that
16 didn't result in convictions, I don't see a basis at this
17 point, at least yet, to reconsider those rulings.

18 Are there any other pieces of evidence that would be
19 impacted, Mr. Shipley?

20 MR. SHIPLEY: I think on the -- with regard to the
21 prior gun possession incidents, the one in particular relates
22 to the -- to the SKS. I mean, that is as violent a weapon as
23 there can be. And, again, at the time of the 404(b) argument,
24 we didn't have a report confirming from the North Carolina
25 officer that it was indeed an SKS. So we're happy to present

1 more information to the Court when the time comes about that
2 one in particular.

3 THE COURT: okay. All right. well, the same
4 indication. If you wish to prepare potential introduction of
5 the SKS rifle possession incident and/or the WMD prior
6 conviction incident, then you should go ahead and make those
7 preparations if you think they're warranted. But, again, I
8 won't be making any final rulings reconsidering a prior order
9 at this point.

10 MR. SHIPLEY: Of course. Thank you, Judge.

11 THE COURT: okay. All right. That concludes our
12 hearing for today. We will have trial, again, beginning on
13 Monday.

14 Anything further before we close, Mr. Shipley?

15 MR. SHIPLEY: No, Your Honor. Thank you.

16 THE COURT: Mr. Routh?

17 MR. ROUTH: Yes. I just -- he had -- I overheard him
18 saying he is going to call the Secret Service agent. So we
19 will have a chance to speak to him as far as a witness?

20 THE COURT: That's -- that's what I heard.

21 MR. ROUTH: okay. All right. So that is correct?

22 THE COURT: But whatever witness has been listed would
23 presumably be on the government's witness list which you have
24 been provided. So you should review those items.

25 MR. ROUTH: okay. I will review those items.

1 On the items that we submitted today, our exhibits, how
2 is that handled as far as what will be accepted and not
3 accepted as far as our exhibits?

4 THE COURT: Okay. So in the normal course, if there is
5 an exhibit you wish to introduce, you would need to move to
6 introduce it and deal with any objections that arise. We're
7 not going to do an exhibit-by-exhibit review at this point of
8 your exhibits. It will have to wait for trial. But you will
9 have to follow the rules of evidence in presenting any piece of
10 evidence during trial.

11 MR. ROUTH: Okay.

12 THE COURT: So you should preemptively think about the
13 Federal Rules of Evidence as they apply to your exhibits and
14 prepare any response to potential objections to those items.

15 MR. ROUTH: Okay.

16 THE COURT: Okay. All right. Thank you, all. This
17 concludes our hearing. Please be on time Monday morning.

18 (These proceedings concluded at 2:56 p.m.)
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C E R T I F I C A T E

I hereby certify that the foregoing is an accurate transcription of the proceedings in the above-entitled matter.

DATE: 09-02-2025

/s/Laura Melton
LAURA E. MELTON, RMR, CRR, FPR
Official Court Reporter
United States District Court
Southern District of Florida
Fort Pierce, Florida

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